G. R. S. 58
Previous references.

File No. 171—19

1909.

Serial Nos. 1 to 39

(Miscl)

Later references.
MF 133 — 13

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 39.

Part B. for December 1912.

SUBJECT.

Restoration of the villages granted for the maintenance of the Charities established by Damodar Dass Sait in the Kunigal Taluk

---

Sc. 1 From Dr Venkata Rao - Madras. Notice Dated 4. 9 1909.
Informs that, he intends filing a Suit in the Sub Judge's Court, Bangalore, for the above and for recovery of mesne profits amounting to Rs 20,000/-.

Sc 2 From the Deputy Comr, Tumkur District. No 188 Dt 9. 9. 1909.
Submits Copy of the notice issued to him also by Venkata Rao.

Sc 3. From ——— Do ——— No 362 Dt 13. 12. 1909
GEB 8,000 -7-1-13
Reports that the Suit has been actually filed against him in the Bangalore Sub-Judge's Court by M. Venkata Rao for the recovery of the villages etc and enquires

Sl. 9 To the Superintt of Inam Settlements No. 2071 Dt 19-2-1910
Requests that the Govt Advocate may be directly furnished with the information and also the certified Copies of the documents required by him and the fact intimated to Government

Sl 10. From the Same No 71 dated 24-2-1910
Forwards Copies of the letter addressed by him to the Government Advocate stating that he has forwarded Copies of the Inam Registers and Ver: Statement of Villages but that the Title Deeds relating to them should have been delivered to Mr Vyalal Doss Saik.

Sl 11. From the Musrai Superintt in Mysore No 810 Dt 2-3-1910
States that he has also been included as Defendant in the Case and that he has accepted the Summons issued by the Sub Judge and requests instructions of Government in the matter

Sl 12. To the Govt Advocate, Musrai Superintt, Court Master, Dy Comr, Trunkur &c. G. O. No 2202-5 Dt 3-3-1910
Directs that the Government Advocate may appear in the Case for the Musrai Superintt also

Sl 13. From the Dy Comr Trunkur Distt No 1292 Dt 27-9-1910
Reports that under provisions of the Land Revenue Code, the Sub Judge shall not receive or register a Suit in which any Officer of Government in his Official Capacity is a party but refer the matter to the District Court which alone has jurisdiction

Sl 14 To the Government Advocate No 1061 Dt 2-11-1910
Forwards Copy of Serial No 13

To the Dy Comr Trunkur Distt No 1062 Dt 2-11-1910.
Forwards Copy of the above for information.

Sl 15. From the Dy Comr. Trunkur Distt No 1632 Dt 2-11-1910
Solicits instructions in the matter of giving a list of witnesses &c to the Government Adv: in the above Suit.

16. From the Government Advocate No. 137 Dd 7-11-1910
States that the Provisions of the Land Revenue code apply exclusively to Revenue Officers as defined therein and Cannot go beyond the scope of the preamble to that Regulation, that the Govt. Officers of the Police Medical, Municipal, Musrai, P.W. and Jud. Depts are not exempted from the jurisdiction of Munsiffs and Sub Judges and that if necessary he would obtain a Jud. decision on the point.

817 To the Government Advocate No. 1494 Dd 5-12-1910
Forwards Copy of letter No. 63 dated 2d November 1910 from D. C. Trichur and requests him to move the Court and get the issues on legal points settled.

To the Dy Coll. Trichur Dt. No. 1495 Dd 5-12-1910.
Forwards Copy of the above.

818 To the Dy Coll Trichur Dt No. 1496. Dd 5-12-1910.
Forwards Copy of letter No 137 Dd 7-11-1910.
from the Govt Advocate re the Revenue Officers as defined in the L.R. Code being the only Officers in their Official Capacity exempted from jurisdiction of Munsiffs and Sub Judges.

819. From the Musrai Superintt. No. 1798 Dd 9-1-1911.
Reports that the Govt Advocate wants some information to prove that an enquiry was held before Government took up the management of those institutions

820. To the Dy Coll, Trichur Dt, Musrai Superintt and Government Advocate. No 1803-5 Dd 19-1-1911
Requests the Dy Coll. Trichur to furnish early the information and documents wanted by Govt Advocate &c. &c.

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25 11 co

G.R.S. 11] 1909-10.

GENERAL AND REVENUE SECRETARIAT.

(Muzrai)

NOTES.

File No. 171-09

FILE HEADING.

Restoration of the villages granted for the maintenance of the charities established by Damodar Dass Sait in the Kunigal Taluk

From

M. Venkata Rao

No. Notice Dated 4. 9. 09 Received 6. 9. 09.

Diary No. 518/577	Enclos.	Spare Copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Informs that he intends filing a suit in the Sub Judge's Court, Bangalore, for the above and for recovery of mesne profits amounting to Rs 20,000/-.

NOTES AND ORDERS.

From the copy of the ~~Daste~~ Jina Register filed in the records it appears that by a Sannad dated 1830, H. H the late Maharaja Krishnaraja Wodeir Bahadur III granted Bandikalli and five other villages (Chikmuthkur, Doddamuthkur, Beeragonahalli Bolenahalli

NOTES—First sheet

GPB—30,000—3-4-07

Serial No.

and Lakkethipura) situated in the Kunigal Taluk assessed at 544 pagodas 4 1/4 fanams, and yielding a revenue of 215 pagodas 6 fanams ~~and cowries~~ to Damodar Doss Sait, free of rent, including all items of revenue to be enjoyed by him hereditarily. It also appears that powers of alienation were granted in the body of the Sanad but not in the concluding portion of it which is stated to be in the autograph of His late Highness. Neither the original Sanad nor a copy of it, is in the file. There is however a copy of the Inam sanad issued in the Sanad. It further appears that the villages referred to were granted for the support of the Chatram at Bandihalli and for certain services in the temple built by Damodar Doss in the same village and also for founding an Agrahar for the support of Brahmins and the remainder was allowed to be appropriated for the personal benefit of the grantee. It was not however stated in the Sanad which of the villages were for religious and charitable purposes and which of a personal nature.

Col 19 of the R R Regr.

At the time of the Inam Settlement, it having been brought to notice that, under some arrangement, Bandihalli and Chikmuttlum were dedicated for charitable purposes, Bolenahalli and Lakshethipura for

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

religious purposes, and the remaining two villages for Brahmins, the first 4 villages were confirmed as Dharmadaya and Devadaya respectively, and the last two as personal mans. Although these villages were thus settled, the relations of Damodar Doss Sait alienated them in other ways so that the purposes of the grant were not being fulfilled Moreover, as Damodar Doss Sait had left no heirs who could be recognized as managers of the Charities in hereditary succession to the original grantee and as the villages had been confirmed as Dharmadaya and Devadaya in favor of the managers for the time being, the Deputy Commr of the Bellary Dt was informed that Govt in the Mily Dept should satisfy itself that the charities were duly maintained, and in default of such maintenance, assume the management thereof on behalf of the charities, and that therefore, he should call upon Venkatanarayanappa who was managing the villages to render accounts of income and expenditure for the previous 3 years As the accounts rendered by him were not satisfactory, the Govt in their Pro no 720-1 dated 19th December 1897, Mus 74-93 directed that the settlement of the 4 villages

NOTE—Contn. sheet.

GPB—50 000—18-5-08

Serial No.

as Dharmadaya and Devadaya should be strictly followed and enforced, and the Dy Commr was accordingly requested to assume their management and administer them on behalf of the institutions to which they were endowed. The Deputy Commr accordingly assumed their management in 1897-98, and a scale regulating the income and expenditure was sanctioned in 1901, which was revised in the year 1908.

In the meantime, the petitioner M Venkata Rao and Maha Lakshamboye on the one hand, and certain others on the other, have claimed a sum of Rs 5 lacs odd due from H.H the Maharaja to the late Damodar Doss Saint and awarded thus son Brijlal Doss, the Special Court appointed to investigate the rights of the respective claimants held in their judgment that ("neither in case no 6 nor those in case no 8 (Venkata Rao and Maha. Lakshamma Boye) are the heirs and legal representatives of Brijlal Doss or are entitled on any ground to the money in question"

The said Venkata Rao and Maha. Lakshamboye, (widow of Subhadra Boye s/d below) also presented petitions to the Deputy Commr Tumkur Dt and Govt, first in Feb^y 1902, as Executor and Executrix of Subhadra Boye, step-mother of Brijlal Doss

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

and last sole owner under the Mayukha law and successor in title to the latter, complaining that the 4 villages referred to above were resumed without a notice to them and praying for their restoration. The reasons adduced in the petn were the same as those adduced before the Special Court, namely, that they derived their title from Subhadra Boye who herself derived her sole right to full ownership of Brijlal Doss' property under a will executed by Jamna Boye, daughter of Brijlal Doss. As regards this will, the Special Court have observed (on page 8 of their judgment (a printed copy is sent herewith)) that the said Mahalakshamboye and Venkata Rao "have not proved (1) that Jamna Boye executed a will; (2) that that will has been lost and that it could not be found though proper search was made for it; and (3) that the copy of the will produced by them is a correct copy of that will" and the Court accordingly held against them.

The late Dewan Sir P. Krishnamurti was thereupon pleased to give Venkata Rao a hearing and then ordered that the papers in the case should be sent to the Govt Advocate for opinion on certain points. Having obtained his opinion, the petitioners were informed under the Dewan's orders that the judgment of the Special Court having expressly declared that

R. R.

Q

NOTE—Contn. sheet.

Serial No.	
	they were not the legal heirs of the deceased Damodar Dozs suit, the Govt could not in the face of that judgment, recognize the petitioner to be the heirs for the villages in question, and further that the Charities having been found to be mismanaged the Govt in the Muzrai Deptt took the management of the four villages which were Devadaya and Dharmadaya grants in December 1897, and that they saw no reason to terminate their attachment
	Venkata Rao, in sending the notice now under disposal, states that Mahalakshmi Boye died in 1904 leaving a will appointing him as Executor and that he has obtained Probate of the will, and requests restoration of the villages for the reasons given by him in para 18 of the plaint in the proposed suit ~~sent~~ sent with the Notice
	From
2	The Deputy Commissioner, Tumkur Dt No 188, dated 9th September 1909,
	Submits copy of the notice issued to him also by Venkata Rao
	The Deputy Commissioner does not attach any importance to the notice & the claim preferred
	Submd 14/9/09

Note—Contn. sheet.

GPB—50 000—13-5-08

Serial No.

Under Secretary's Note.

The petitioner's contentions are two :—

(1) That the four villages are personal inam and not Devadaya and Dharmadaya,

(2) That as the heir of Brijlal Doss, petr. is entitled to the possession of those villages.

As regards (1), it is said that the original Samad which is in petitioner's possession will clearly establish this. The Samad was available at the Inam Settlement, when after reference thereto and also after consideration of the existing local circumstances, these four villages were settled as Devadaya and Dharmadaya under Rule XXI of the original Inam Rules (page 208 of the New Revenue Manual), such settlement cannot be questioned by a court of law. Under the next Rule, an appeal lies direct to Govt. No period of limitation has been fixed and I have not been able to find out any subsequent Govt. Order fixing the period within which the appeal should be presented. Still, I am of opinion that the matter cannot be re-opened after the lapse of more than 30 years.

In Chapter I of the Introduction of Mr. Ganapati Iyer's book on Religious Endowments

NOTE—Contn. sheet

GPB—50 000—13-5-08

Serial No.

pp 1 to 11, he refers to the following classes of endowments:-

"(1) An absolute dedication in which the entire beneficial interest is with the idol or religious establishment.

(2) A dedication to the idol or religious establishment, but a charge is created as to a part of the income in favor of a private person.

(3) A gift as to a part of the income in favor of the idol or religious establishment so that there is a trust to that extent, while the surplus is given to the trustee in his private capacity.

(4) The whole property is given to a certain person, but there is a charge created in favor of the idol or religious establishment as regards a portion of the income."

Of these, nos 3 & 4 would perhaps be what we call personal and nos 1 & 2 Devadaya. If the language of the original Sanad should really be such as to make the grant a personal grant, the question arises whether it is desirable to re-open the matter now. As regards this, the Govt Advocate says:-.

It seems true that the question of the right of Venkata Rao and Mahalakshmibai

NOTE—Contn. sheet.

GPB—50 000—13-5-08

Serial No.

to represent the estate of Brijlal Doss has been intentionally raised with some object and it further seems to me undesirable and inexpedient to allow it to be so raised." Thus, it is not desirable to re-open the matter.

The villages being Devadaya and Dharmadaya, the next question is whether the interference by Govt in 1897 was justified As regards this, the correspondence of that year shows that it was justified.

It may perhaps be said that now that the management has gone on on sound lines under Govt for some time, the same may be restored to the party for conduct on the same lines. This is not desirable. The party who contends that the villages are personal inam is not likely to conduct the charities properly and not unlikely to appropriate the surplus for his personal benefit. [In this connection, I beg to state that when the Devadaya and Dharmadaya villages granted for the up-keep of the Charities at Swa-samudram were restored to the management of the Swasamudram Jaghirdar, he has objected to maintain accounts as ordered by Govt and claims the surplus as his absolute property. The case is being worked up and

NOTE—Contn. sheet.

GPB—50 000—13-5-08

Serial No.

will be submitted soon.] Gross abuse may well be anticipated, and there will be no end of complaints. It is not desirable to restore the management.

As regards the question of heirship, from the Govt Advocate's opinion I gather that the decision of the Special Court is not binding and that the party is at liberty to produce the original will and claim under it.

On the whole, it seems to me that there is nothing to be done now and that when the suit is actually filed, the case may be defended on the following grounds:-

(1) That no suit lies against Govt or a Govt Officer for carrying out an order of Govt.

(2) That the villages are settled as Devadaya and Dharmadaya and not personal and that such settlement is final and cannot be questioned by a Court of Law.

(3) That as the charities were not properly conducted, Govt had to interfere and assume the management of the villages and the conduct of the charities and that this order cannot be questioned in a Court of Law.

(4) That the petitioner is not Brijlal Doss' heir.

(5) That the income has not been appropriate

NOTE—Contn. sheet.

GPB—50 000—13-5-08

Serial No.

by Govt, but has been used for purposes of charity, and that therefore the plaintiff cannot claim Rs 20,000/- as mesne profits.

17/ Submitted to Hon'ble Member as Mr Dewan
Ag Secretary

2032/6.10.1909

6/10/09

No reply need be sent to the notice. If the suit is actually filed, we may defend it. The claimant is an utter stranger to the family and his claim is certainly not so sound on the face of it as to justify our entering into any terms with him.

3/Y 7/10/09

2880 (Revs) 9.10.09 Submitted to Mr Dewan
Ag Secretary

8.10.09
I agree with Mr Tamilan
Ag Secretary

Orders in the papers.
12 Oct 09
Dewan

7

OTE—Contn. sheet.

GPB—50 000—13.5.08

R. S. 12]
eneral and Revenue Secretariat.

Mun3 File No. 171 of 1909

Serial No.

From

The Deputy Commissioner, Tumkur D.t.

No. 362, dated 13.th December 1909.

Reports that the suit has been actually filed against him in the Bangalore Sub Judge's Court, by M. Venkata Rao for the recovery of the villages &c endowed to Damodar Doss Chanhes in the Kunigal Taluk, and enquires if the Govt Advocate has been instructed in the matter and whether any action is required of the Dy Commr.

Subd with a draft requesting the Govt. Advocate to defend the suit.

by 17 12 09 / 26/1 — Instructions to send Counsel with file for orders — Abdul Rahman

2403

The Govt Advocate may be authorised to appear. The file may be sent to him for perusal, and he may apply to D.C. for such further instructions as may be necessary.

(When ready, I should like to see the proposed defence & the copies of the Wills &c relied on by the Plff.)

Dewan Peshkar

25 Dec 24/12/09

Mr

8703 24.12.09

NOTE—Contn. sheet.

GPB—50,000—16-5-08

G. R. S. 12]
General and Revenue Secretariat.

Misc. File No. 171 of 1909

Serial No.	
4	To The Govt Advocate in Mysore. " Dy Comr, Tumkur Dt. " Cmptr, Mysore Govt G O No. 653-5 dated 21st Jany 1910. Forwards the entire file connected with the case and requests the Govt Advocate and requests him to appear and defend the suit applying to the Dy Comr for such further instructions as may be necessary and to obtain copies of the wills relied upon by the plaintiffs and also to submit for the approval of Govt the defence proposed to be adopted in the case
5	From The Govt Advocate. No 195 dated 4th Feby 1910. Forwards a draft written statement setting forth the defence in the case and also two printed books containing translations of the several wills referred to in the plaint The Dy Comr in the last of his communication (No 362 dated 13th Decr 1909) states that summons has issued in connection with this case requiring his appearance personally or by pleader on the 10th Feby 1910. Subd to Govt Council Ab 5/2/10. 356 Ambedkar 5/2/10 (Mallalakshmi Bayi's Coll not forthcoming) I have made some additions to the W.S. It may be app-

NOTE—Contn. sheet.

GPB—50,000—18-5-08

G. R. S. 12]
General and Revenue Secretariat.

Jmr File No. 171 of 1909

Serial No.

proved & returned.

8/2/10

W. H. Shoobridge
8/2/10

subd.

Before the submission of the draft, the foll. communication has been received.

From

6 The Deputy Commr., Jumkhan DC
No. 466 dated 3rd Feb 1910.

Suggests that copies of certain documents to be required by the Govt. Advocate may be obtained by him directly to avoid delay and states that the case is posted for hearing by the 10th Feb. 1910.

7 Draft subd. 9/2/10

Issued
9/2/10

NOTE—Contn. sheet.

GPB—50,000—18-5-08

G. R. S. 12]

General and Revenue Secretariat.

Mug File No. 171 of 1909

Serial No.	
4	To, The Govt Advocate, Dy Commr, Tumkur Dist and Cmptr, Mysore Govt G O no 1653-5 Dt 3-1-10 Directs the Govt Advocate to appear in the case and defend the suit
5.	From, the Govt Advocate in Mysore, Letter no 195 Dt 4-2-10 Submits a Draft written Statement setting forth the defence in the suit
6	From the Dy Commr, Tumkur Dist Letter no 466 Dt 3-2-1910 Suggests that copies of documents required by the Govt Advocate may be obtained by the latter direct from the Draw Office
7	To, The Govt Advocate & the Dy Commr Tumkur Dist G O no 2016-17 Dt 9-2-10 Approves of the draft written Statement submitted by the Govt Advocate and forwards the Dy Commr's communication with the request that necessary action may be taken in accordance therewith.
8	From, the Govt Advocate in Mysore Letter no 206 Dt 12.2.1910 States that the case has been adjourned to the 3d proximo and requests that the Draw Supdt may

NOTE—Contn sheet.

GPB—55,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

Mang File No. 171 of 1909

Serial No.

he asked to furnish information on some points raised in his Comn and also certain copies of some documents. Submitted with a Sft

17-2-10

18/2/10

Issue

18/2/10

9 To The Superintendent of Mam Settlements

No 2071 dated 19th Feb 1910

Requests that the Govt Advocate may be directly furnished with the information and also the certified copies of the documents required by him, and the fact intimated to Govt

From The same

10 No 71 dated 24th Feb 1910

Forwards copy of the letter addressed by him to the Govt Advocate, stating that he has forwarded copies of the Mam Registers ~~of extracts~~ and Ver. Statement of Bandehalli, Chikkamuddam, Lakshmipura and Bolenahalli villages but that the title deeds relating to them should have been delivered to Mr Vrijalal Das Sett.

Subd. May this be filed

4/3/10

Filed

1/3/1910

7

NOTE—Contn sheet.

GPB—55,000—27-4-09

G. R. S. 12]
neral and Revenue Secretariat.

Mung File No. 171 of 1909

Serial No.	
11	From the Munsif Supte at Mysore. no 810 dated 2nd March 1910 States that he has also been included as Defendant in the case and that he has accepted the summons issued by the Sub Judge and requests instructions of Govt in the matter Subd with a draft Letter & Connexion Dr 4/3/10 Dr Attachment &c 2977. 2/3/1911 draft appd by Secy 4/3/10 Dr Issued 8/3/1911
12	To, Govt Advocate in reply from Munsif Comptr, Dy Commr, Tumkur &c. G O no 2202-5 Dj 3 3 1910 Directs that the Govt Advocate in mysore may appear in the case for the Munsif Supdt also
13.	From, the Dy Commr, Tumkur &c. Letter no 12a Dj 27/30 3. 1910 Reports that under provisions of the Land Revenue Code, the Sub Judge shall not receive or register a suit in which any officer of Govt in his official capacity is a party, but refer

7

Note—Contn sheet

GPB—55,000—27 4.09

G. R. S. 12]
General and Revenue Secretariat.

File No. 171 of 1909

Serial No.

The matter to the Distt Court which alone has jurisdiction

Submitted for orders
DS 8.10.10 SL

Ld Copy for Govt Advocate from Distt
9/10/1910

Draft not for appl. Govt
SL 13/10/10

14. To, The Govt Advocate.
Docket no 1061 dy 2d novr 1910.
Forwards copy of SC 13.
To, The Dy. Commr, Lunglei Dist
no 1062 dy 2d novr 1910
Forwards copy of the above for information.

15. From, The Dy. Commr, Lunglei Dist
Letter no 163 dy 2d novr 1910
Solicits instructions in the matter of giving a list of witnesses etc to the Govt Advocate in the above suit.

In submitting copies of Govt Advocates' letter and issues framed in the Suit, the Dy. Commr reports that the Govt Advocate asked for a list of witnesses and that he can think of no witnesses, as answers

Hag A)
Hag B)

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

to the issues would have to be sought in Govt documents. We Dy. Commr Colombo for orders of Govt in the matter. Submitted for orders.

11/9/10 RL

Contrs Proctor with reference to Govt Advocate's report & Annexure No. 14.

8/11/1910

W

From the Govt Advocate No 137 of 7.11.10.

States in reply to D. No 4 that the Provisions of the Land Records apply exclusively to Rev Officers as defined therein & cannot go beyond the scope of the Preamble to that Regn, that the Govt Officers of the Police, Medl, Municipal, Mercantile, P.W.D. & Jud. Depts are not Exempted from the jurisdiction of Municipl Mag Judges & that if necy, he would obtain a Jud decision on the points. —

All Govt Officers & Rev Officers are not exempted by rule from the jurisdiction of Rev Officers

Submitted for orders —

RL 11.11.10

There are two letters to be dispatched.

The first is to the Commr of Lands' letter about witnesses. The Govt Advocate to be also is Land Commr's Dept. Acting Mag & said that so far as I remember there were no witnesses & that if Govt Advocate should specify what part

GPB—55,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

File No. 171 of 1909

Serial No.

I had to speak to Mr Lay on this subject as to what should be. We may send a copy of the D.S. last letter to the Govt Advocate.

The D.S. has also enclosed a copy of the cases which deserves to be perused.

The said letter is from the Govt Advocate to the effect that the Rev Code exempts Rev. Officers from the jurisdiction of the Courts and subordinate Courts and that other officers are subject to such jurisdiction. If that view is correct there is nothing to be done. We may communicate it to the D.S.

If that view should be wrong or if the point should be doubtful we may ask the Govt Advocate to argue this point also ~~and obtain~~ so that there might be a judicial decision in this matter.

If it should be thought that other officers should also be exempted steps may be taken for amending the Rev. Code.

As Mr Wikramanayake the Govt Advocate's letter the Secretary, a list of important references received is forwarded, has requested that he should be informed of the result early.

Submitted to Secretary Mr Wright

Acting Colonial Secretary

Colombo 12/11/1910

The D.S. may be informed

NOTE—~~Cover sheet.~~ 796 965

G 2-6—15,0.C—27.4.09

C R. S. 12]
General and Revenue Secretariat.

File No. 171 of 1909

Serial No.

As suggested.

The Chief Court has decided that the provns of S. 229 Rev Code do not apply to other than Revenue officers. I do not consider it necessary to controvert the position. I am however not sure if other Offrs are not to be considered 'Revenue'. Is not the Dy Cr invested with Revenue Powers only in Dy Cr This position may, I think be taken.

17/11/10

5/7

Lt Col Wedderburn
Actg Secy to Govt

19.11.10

8796
21.11.10

and

~~Neither~~ The Plaint & the proposed written Statemt in answer are not on the file. I find it difficult to understand the case - It is Immovable - Sale

Note—Contn sheet

GPB—55,0 01—27 4 09

C. [R. S. 12]
General and Revenue Secretariat.

File No. 171 of 1909

Serial No.

An appeal against the Assessment for 20 years [illegible] Put the material papers & the petition & circulated and brought up at an early Council Meeting Lay on Monday next

23/11/10

Please put up the papers required in the accompanying D.O. letter from Govt Advocate dept the papers & the file time & soon as they are received. 24.11.1910

Rebd with the papers recd from the Govt Advocates office. Submitted Secretary

24/11/10 Returned to the Council Chamber with instructions to file affidavit from Govt Advocate

The plaint and written statement are marked A1 and B1

From the words "material papers" I understand that the papers of the Assessment Branch only are meant and not the papers of the Income Dept. also

24/11/1910

Circulate

24/11/10

Seen

25/11/10

1399
26.11.10

GPB—55,000—27-4-09

26/11/10

Serial No.

The Govt. advocate may be asked to move the court to get the case on legal points decided first. The mukhtar may consult the Govt. advocate & arrange about the witnesses.

29/11/10 Letters of Advocate's letter dt 5-12-10 Copy of letter if any further Upon receipt of which Court is necessary will write a gen. order that the petitioner shall in the first instance move the Govt. Advocate to decide the legal points & Govt. Advocate to intimate date on which the witnesses should be summoned after the legal points are decided

Return this letter with 2 copies for Govt. Advocate

25.11.1910

Submitted with 2 copies

30/11/10 30/11/10

Submitted with a fair draft of the order

1/12/10 1/12/1910

To The Govt. advocate No. 1494/M 171-09-17 & 5-12-10 Forwards Copy of Petition No. 163 & 2-11-10 from Mukhtar & requests him to move the Court as per Petition

GPB—55,0 11—27-4 09

G. R. S. 12]
General and Revenue Secretariat.

File No. 171 of 1909

Serial No.	
	on legal points decided.
	No. 1494 of 5-12-10 copy of the above forwarded to D.C. Nuwara Eliya
18	To the D.C. Nuwara Eliya No. 1496 of 5-12-10. Forwards a copy of letter No. 13787 11 10 from the Govt. advocate re the Rev. Officers as defined in the Land Rev. Code being the only Offrs. in their Official capacity exempted from jurisdiction of Minor Courts &c. No. 171-09-08
19	Law officer's opinion requested whether the Govt. advocate's instructions to prosecute last an ongoing should before or after the hearing of the case is concluded. No. 798 of 9.11
	The Govt. advocate as directed, requested to have his opinion of law disposed of first.
	He came and had a talk with me just now
	The Govt. has prayed for the issue of a Commission for the examination of witnesses in London
	The Govt. advocate has referred this and other prayers for the disposal of this point of law.

Note.—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

The Offg advocate contd that ~~any~~ before ~~the issues of law can be disposed of~~ ~~evidence has~~ for the disposal of the issues of law some evidence on facts is necessary

They seem to be confused with reference to issue 5 & to that the Assam Govt cannot vary the terms of the Lease (Copy of which is in the file) and that in this case the Govt has gone beyond the Lease in defining what village are Sharmdays or Dewdays and what are personal. It is therefore contended that the Assam decision is ultra vires and not binding

By production of the statement made at the Assam Settlement it has to be seen that the Assam decision is correct and binding

As regards issue 7 it seems to be contended that fraud is assumed without any evidence to the parties, that such assumption is illegal and that therefore Civil Courts have jurisdiction to try the fraud. Advocate of the Govt contended that there are decisions to the effect that if a Govt officer in doing anything does not conform to the procedure prescribed Civil Courts have jurisdiction to try such acts. In the present case if as a matter of fact there assumptions stated have been without any

Note—Contn sheet.

GPB—55,000—27 4.09

Serial No.

enforcing the Civil Court may have given duties
to set it aside. It is therefore necessary to prove
that there was an enforcing. It will thus be seen
that the issues of law cannot at once be decided.
The Court does not want defts to begin.
If Govt wants defts to file a witness list on
or before the 12th inst and summon them
any after that close his case
This is why the Govt advocate wants the
information referred to in Serial No 19.

There is also another matter that the
Govt advocate referred to - the Civil Court
if he consented to the evidence of the Hindu
witness (3 deceased and 3 alive) being admitted
in this case there will be no necessity for any
commission and no expense on that account
On being asked if in the case in which that
evidence (which refers to the genuineness of
the wills) is recorded the witnesses have been completely examined and cross examined
he said they have been, that the cross-examination in that case would supplement this evidence
and that there would be no [illegible] in admitting
it -

The Govt advocate also explained his
[illegible] that he would be unable
if necessary to explain matters.

GPB—50,000— 12-8 10

Serial No.

Adv. to be invited on last point.
Draft submitted about framing the issues wanted by Govt. advocate.
Submitted to Govt Counsel.
Ambhaneyar
7/1/1911

1259. Please Consult the Govt Adv^te Convenience & send for him at any time when I am in office this week.
16/1/11

Correspondence & Volume sent to file herewith

Rd. subd as per order 18/1/1911
19/1/11.

20 To the Dy Govt Secr. subd & Govt advocate
No. 1803-5/M-7/11-09-20 dt 19-1-11. Req. to the Dy Collr Tuticorin to furnish early the issues by Govt advocate &c & report his having done so to this

21 No. A. 4282 dt 11-1-11 from Sub Judge Bangalore

GPB—50,000—12-8-10

G. R S. 12]
General and Revenue Secretariat.

M File No. 171 of 1909

Serial No.

for ordering Pltff's witness Summons in O.S. No. 28 of 09. for appearing in this court on 2-2-11 with [illegible]

Submitted
RG
20/1/11

Forwarded officially to the Govt. Advocate for opinion about the production of the documents wanted. The documents wanted are all marked. The last two are Vapes described and cannot be looked for

By order
Asstt. Secy.
20/1/1911

Serial No.

The Several Govt proceedings and Reports of Enquiry Commrs are public documents. So also are the several petitions and papers on which the said orders were passed. The originals of these documents cannot, I think, be removed from the files and produced in Court without the order of Govt. The parties may obtain certified Copies of the same and produce them in Court. It is only in exceptional cases where the Court may wish to look at original documents for

Mur W.O No. 907 20/1/11

G. R. S. 12]
General and Revenue
Secretariat.

File No. of 190 9

Serial No.

That requisition may be made to the General & Revenue Secretary for forwarding them to Court with the permission of Govt. Thus, I believe is the practice. If I am right in this, the Sub-Judge may be informed accordingly.

S. Narayana Rao
Govt Advr.
25/1/911

Submitted for any
Amendment

U.H-
2nd Cr 25.1.911

c/z
25/1/11

1366.

A reply may be sent to this effect.

25/1/11
czz

Brought forward. Draft dictated
28/1/911

O.I

Submits with a Draft as indicated.
28/1/911 Draft submitted to Secretary.

There need be no objection in this case to final copies of the Dist Court's bills. Such copies

Note.—Contn sheet

GPB—55,000—27-4-09

Serial No.

are not generally granted on the ground that copies of correspondence stored not be granted

Asstt Secy

28.1.1911

Issue

SN
2.1.11 Dy 28/1/1911

22 To, the Sub Judge, Bangalore,
Letter no 1888 Dy 1 2 1911.
States that some documents requisitioned for by the Court, cannot be conveniently removed from the files and adds that as copies of the documents appear to serve the purposes of this case, the same will if the parties applies, be granted

23 From, the Dy. Commr, Dunkur Dist
Letter no 274 Dy 21.1.911
Submits copy of docket to the Govt Advocate requesting that an adjournment of at least 3 months be applied for and states that it takes time to trace out some documents in the case and adds that the Muz. Deptt which figures as the 1st Deptt, may ask the Govt Advocate to move for an adjournment to the earliest part of April

Noti —Contn sheet

GPB—55,000—27-4-09

Serial No.

are beginning of May
Submitted for orders
AVC 132
3-2-1911

I have from pet Advocate that the Case has been adjourned - Phone & Write
date 3
4/4/94

It has been ascertained from the Govt Advocate's office that the case has been adjourned to the 9th inst for filing documents, and also to the 16th, for disposing of the petition for security of costs from the Plaintiff Venkata Rau.
Submitted for orders
AVC 132
8-2-1911

When evidence to be taken?
8/2/1911

It has been ascertained that cases bearing on questions of law will be taken up on 11th March 1911, & that if nec. Evidence will be taken on that day.
8/2
10-2-11

24 From, Rec Dy Commr, Tuticorin Distt
Letter no 329 Dy 1-3-1911
Requests sanction to a sum of Rs 30 already advanced to Govt Advocate and also to a sum of Rs 20 to meet the expenses of the Suit relating to Dams

Dos

GPB—55,000—27-4-09

~~1485~~ 32

G. R. S. 12]
General and Revenue Secretariat.

File No. 171 of 1909 1308

Serial No.	
	Charities
57	re. Secretary's order — Sanction. Submitted with a dft to Secl Committee dy (132) 8/3/1911 Ag Asst Secy 13/3/1911
1692.	Draft appd by 2nd Councillor 15.3.11 Issue 21/3/1911
25	re Dy Comr Tumkur dist & Govt Advocate's no 2437-9 & 24.3.911 Sanctions the warrant applied for amounting to Rs 50/
~~1828~~ 26.4.11	
26	From, the Dy. Comr, Tumkur Distt Letter no 353 Dy 20-2-1912. Forwards a copy of the letter addressed to the Govt Advocate in the suit filed by Venkata Rao for the possession and management of the Gram villages endowed to Damodar Doss' charities in the Kunigal Dy.

NOTE—Contn. sheet

GPB—50,000—12 8 10

G. R. S. 12]
General and Revenue Secretariat.

File No. 171 of 1909

137

Serial No.

The Dy. Commr. has submitted this report as called for in Serial no. 20.

Submitted. The correspondence may if approved be recorded, and the result of the suit awaited.

AVC(137) 7.3.12

8/3/12

8/3/12

Submitted with a draft order recording

AVC 8/3/12

Done.

8/3/12

27 To The Dy Commr. Tumkur & Govt. Advocate.

No. 2181-2 Dt 12.3.1912

Records the letter, directing that the result of the Suit should be intimated in due course.

Encl 28 From, The Govt. Advocate in Mysore.

Letter no. 188 Dt 20.3.1912

Reports that the said suit was dismissed with costs and promises to submit copy of judgt in due course.

The Receipt of the judgt may be awaited.

No. 437

Submitted for ~~orders~~ perusal to Hon'ble Councillor.

AVC(137) 22/3/1912

Await further report

23.3.1

25/3/12

NOTE— Contn. sheet.

GPB—50,000—12-8 10

G. R. S. 12]
neral and Revenue Secretariat.

File No. 171 of 1909 1917

Serial No.	
29	From, The Dy Commr, Tumkur Distt Letter no 434 Dy 25.3.1912 Reports that the Govt Advocate intimated in his docket Dy 20th March 1912, that the Suit in question was dismissed with costs. The further report may be awaited Submitted AVC(134) 28/3/1912 Recd. (79) 29/3/12
30	From, the Govt Advocate in Mysore No 233 Dy 22.5.1912. Forwards copy of judgment in the said Suit. Submd for orders This may be recorded AVC(134) 7.6.1912 7.6.12. Subd for perusal to Hon Councillor and Dewan - The Correspondence will be recorded. 8/6/12 Seen 12/6/12 Dewan 12/6 (77) 15.6.12 15/6

Note- Contn. sheet.

GPB—50,000—12 8 10

G. R. S. 12]
neral and Revenue Secretariat.

File No. 171 of 1909

2049

Serial No.

Seen after Recess
Ld
21 June 12

WB
21/6

31. From, the Govt Advocate in Mysore
Letter no 248 Dy 17.6 1912.
Submits a bill for Rs 736-13-9 duly countersigned by the Distt Judge, Bangalore Dern, being his fees for conducting the said suit on behalf of the Depts.

May the bill be sanctioned while recording the correspondence?

Submitted for orders with a Dft order.
AV C132
21.6.12

Recording the correspondence & sanctioning the bill of Govt advocate's fees.

RL
25-6-12.

The Govt Advocate has only a copy of the judgment. Ask for a copy of the Decree in the case.

25/6/12.

Submitted with a Dft
AV 25-6-12 RL

Issue
26/6/12

NOTE—Contn sheet.

~~2049~~ 36

Revenue Secretariat — Jhang — File No. 171 of 1909-10

Serial No.

32 To the Govt Advocate
No 3135 d 29-6-12
Tenth Sept to Sl 1, requesting him to send a copy of the decree in the case

Gm

33 From, the Govt Advocate
Letter no 6 Dy 5 7 12
Submits a copy of the decree called for in Sl 32
The Govt Advocate says that there appears to be some clerical mistake in preparation of the decree having omitted to include therein certain items of expe incurred by him on behalf of the defts and requests that the copy of the decree may be returned to him for being amended
Submitted for orders Draft Rly the Asst 13 7 12 decree copy is subs
RL 16.7.12
Secy 16 7 12

34 To the Govt Advocate
No 63 d 20 7 12
Returns the copy of the decree rep to 33 & requests the early submission

NOTE— Contn. sheet

GPB—50 000— 12-8 10

G. R. S. 12]

General and Revenue Secretariat. | Misc File No. 171 of 1909-10

Serial No.

of the same duly rectified

35 From, the Govt Advocate

Letter no 947 Dy 4 10 12

Submits the copy of the decree duly rectified and attested-

may Sanction be accorded to the Bill for ~~to~~ 736 and odd on account of the Govt Advocate's fees?

Submitted for orders

17.10.12 Draft order sanctg the Govt advocate's bill for his fees prepared in accordance with the decree. (MS)

18/10/12 1st Comnr

18/10/12

Draft appd.

Has security for costs been taken in this case? The amt due shd be recovered from defts without delay

6/11/12

6/11

Issue draft appd.

Write separately to Govt. advocate regarding recovery of costs.

NOTE—Contn sheet.

GPB—65,000—17-9-12.

F. R. S. 12]

General and Revenue Secretariat.

File No. 171 of 1919

Serial No.	
36	To the Deputy Commissioner Tumkur Dist Musrai Superintt in Mysore Government Advocate + Comptroller to Government No. 569-72 Dt 14-11-912 Record the above and sanctions the bill for Rs 736-13-9 and forward it to the Comptroller for audit the charge being met from the funds of the Charities

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

File No. 171 of 1909-10

Serial No.	
	Submitt with a Dft letter to Govt. Adv regarding recovery of Costs. AV(132) 16/11/12 RL.
	Issue 22.11.12
37	To, The Govt Advocate in Mysore. Letter no 626 Dy 25-11-12. Enquires whether security for Costs has been taken in the case, and requests that necessary steps may be taken to recover the amount due from the Defts.
38.	From, the Govt Advocate, Letter no 143 Dy 27-11-1912. Suggests that the copy of the decree may be sent to the Asst. Supdt with a request that the Public Prosecutor may be instructed to institute execution proceedings against M. Venkatarao after ascertaining the details of the landed property in S. Patam Dy. The Govt Adv. states that the application for security for costs from the plaintiff was not pressed as the plaintiff was reported to possess sufficient landed property in S.P

NOTE—Contn. sheet.

GPB—65,000—17-9-12

General and Revenue Secretariat.

File No. 171 of ~~1910~~ 1909

Serial No.	
	Taluk, and enumerates the landed property which the plaintiff is alleged to own in the Srirangapatam Tq Submitted for orders with a Dft letter to the Govt Supt BVC 132 2.12.12
	Issue hm 2.12.12
39	Do The Mysore Supt. No 739. Dt 6.12.1912 Forwards copy of decree received with Govt Advocate's letter also a copy of the Govt Advocate's letter and requests that the Public Prosecutor Bangalore Division may be instructed to institute execution proceedings against Ramakrishna

NOTE—Contn. sheet.

GPB—35,000—17-3-12

Muzrai D. No 518

Muz. T. 171–09–1

Notice Dated 4th September 1909. issued by M. Venkatarao of Madras informing that he intends filing a Suit in the Sub Judge's Court- Bangalore for the restoration of the Villages granted for the maintenance of the Charities established by Damodar Dass Sait in the Kunigal Taluk and for recovery of mesne profits amounting to Rs. 20,000/-

D 544

174 190-0952

From The Deputy Commissioner,

Tumkur District,

To The Secretary to the

Government of Mysore,

General and Revenue Departments,
(Muzrai).

Dated 9th: September 1909.

Despatched

Received

General No.

No.

Enclosure No. 2.

Submits copy of the notice issued by one Venkata Row to file a suit against Government for recovering the possession of the Inam villages granted for the maintenance of certain charities established by the late Damodar Dass Set, now under Government management, and requests that the Government Advocate may be instructed to take needful steps.

Submit
Papers

G.A. confirm note & submit copy

By

15/9/09

By

Office of the Deputy Commissioner,

Tumkur District,

Dated 9th: September 1909.

From K.Doraswami Iyer Esqr:,

Deputy Commissioner,

To K.S.Chandrasekhara Aiyar Esqr:,B.A.,B.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore,

General and Revenue Departments,(Muzrai).

Sir,

I have the honour to state that a notice under Section 424 of the Code of Civil Procedure has been issued to me by one Mysore Venkata Row who styles himself the Executor of the will of Mahalakshmi Bayi,alleged to be the heir of Brijalal Dass,of his intention to file a suit against the Deputy Commissioner of the Tumkur District and the Muzrai Officer,Mysore Government,probably meaning the Secretary to Government,Muzrai Branch,for recovering the possession and management of the marginally noted four Inam villages endowed for the maintenance of the charities established by the late Damodar Set,which are now under the management of Government in the Muzrai Department,and for recovery of mesne profits of Rs: 20000/-.A copy of the notice together with a copy of the plaint therewith received is herein enclosed.

Ⓓ Bandihalli
Ⓓ Chikkamutkur
Ⓓ Bolenahalli
Ⓓ Lakkasettiputa

2. The management of the Inam villages referred to was assumed by Government as per orders conveyed in their Proceedings No: 720-1/M.F.74-93,dated 17th: December 1897, on the ground that the objects of the grant of these villages were not being fulfilled.Of the four villages in question,Bandihalli and Chikkamutkur are Dharmadaya,the other two Bolenahalli and Lakkasettipura being Devadaya grants.

grants.

3. A perusal of Government order No: 720-1/Muz.F.74-93 dated the 17th: December 1897 and the correspondence upon which it issued would show our position in the matter and the vexatious nature of the intended suit. Here is some one claiming to have come by some valuable property by way of a gift from Mahalakshmi Bayi alleged to be a sister of the step mother of the last male heir Brijlal Dass! and the property consisted of Devadaya and Dharmadaya and gave the original grantee only a right to management upon some definite conditions and absolutely no ownership in the accepted sense of the term. And here is brought forward a claim which was held to be forfeited by the family of the original grantee for failure on their part to fulfil the conditions attaching to the grant!

4. I beg that the Government Advocate may be instructed in regard to any steps that may be considered necessary.

I have the honour to be,

Sir,

your most obedient servant,

M Muthuswamy Ayyar

Deputy Commissioner.

MRD.

Enclosure 6 to No. 577
mur 171-09-2

M A D R A S . 4th: September 1909.

~~1818~~

To

The Deputy Commissioner,

T U M K U R , and

Muzrai Officer,

Muzrai Department, Mysore Government,

B A N G A L O R E .

Sirs,

Under instructions from our client Mysore Venkata Row, we hereby give you notice under Section 424 of the Code of Civil Procedure that our client intends to file a suit against the Deputy Commissioner, Tumkur, and Muzrai Officer of the Mysore Government, Bangalore, for recovery of possession and management of the four villages (viz) Banadahalli, Chikmaruvur, Polenahalli and Lakkettipura in the Kunigal taluk, Tumkur District, Mysore Province, the possession and management of which villages were wrongfully taken by the Deputy Commissioner, Tumkur, and Muzrai Officer, Bangalore, in April 1898, and for recovery of mesne profits of Rs: 20,000/- after the expiry of two months from the receipt of this notice.

A copy of the plaint which is intended to be filed showing the cause of action, and the name and abode of the plaintiff and the relief which he claims is herewith submitted.

We remain,

Sirs, faithfully,

(signed) C. Venkatasubramania

High Court Vakil, Madras;

(signed) V. Sankachar.

Advocate, Bangalore.

COPY.

MRD.

for Deputy Commissioner

Enclosure to D No 577.
Mun 171-09 2

In the Court of the Sub Judge,
Bangalore

O.S. No. of 1909-1910

M. Venkata Rao, Landlord
Residing at No 96 China
Bazar Road, Madras. } Plaintiff.

Versus:-

1. Inungrai officer,
Inungrai Department, Mysore,
Government, Bangalore.
2. The Deputy Commissioner
of Tumkur District and as
such representing the
Government of Mysore } Defendants

Plaint

The address of the plaintiff for
Service of notices and process is No 96,
China Bazar Road, Fort town, Madras.

2. By Royal Grant dated Magha
Bahula 1 of Virodhi year corresponding

6 to the 8th February 1853. 6 ages
of Bandahally, Chikka Muttur,
Bolanahally and Lakshettipura along
with two other villages, were granted by
His Royal Highness the then Maharaja
of Mysore to Damodara Doss the ancestor
of Birigilal Doss, as Sarwa Manyam to
be enjoyed by him from generation to
generation with all rights of ownership.

3. The said four villages are situate
in Kunigal Taluk in the District of
Tumkur and are more fully described
in the Schedule hereto annexed.

4. The said four villages have been
in the continuous enjoyment and
possession and management of the said
Damodara Doss and his lenial descendants
up to April 1898 and the last male
descendant was Bringilal Doss who died
intestate in the year 1871.

5. Bringilal Doss the last male

owner died in the year 1871 intestate leaving Devaki bayee his widow, Jemma Bayee his daughter and Subhadra Bayee his step-mother him Surviving.

6. After her husbands death Devaki Bayee took out letters of Administration to her husband's estate in the Madras High Court in the year 1873 and was in possession and enjoyment and management of the plaint villages till her death in 1875.

7. In 1875 Devakibayee died leaving a will in which She appointed Jemma Bayee and Subhadra Bayee as Executrixes.

8. On the death of Devakibayee, Jemma Bayee as daughter of Birigilal Doss became the sole owner in her own right and manager of the plaint-villages, the parties being governed by Marumakka Law.

9. Jemma Bayee and Subhadra Bayee

also took out Probate of the will of Devaki Boyee in 1875 and have been in possession and enjoyment and management of the plaint villages till 1888 when Yamma Boyee died leaving a will by which She appointed Subhadra Boyee as Sole Executrix. Subhadra Boyee obtained Probate of the said will in 1894.

10. Subhadra Boyee to whom the properties were bequeathed by Yamma Boyee, was in possession and enjoyment and management of the plaint villages till her death in 1894.

11. Subhadra Boyee died in 1894 leaving a will appointing plaintiff and her Sister Mahalakshmi Boyee as Executor and Executrix and also bequeathed the plaint villages to them. Further on the death of Subhadra Boyee, Mahalakshmi Boyee, as Sister became the Sole owner and Manager of the plaint villages under Marumakkathayam Law.

12. Plaintiff and Mahalakshmi Bo obtained Probate of the will of Subbadra Boyee in 1894 and have been in possession and enjoyment and management of the plaint-villages till April 1898 when the management and possession of the said villages were wrongfully taken by the defendants, the officers of the Mysore Government In 1904 Mahalakshmi Boyee died leaving a will appointing plaintiff as Executor and bequeathing her rights of ownership and management to the plaintiff.

13. Plaintiff obtained Probate of the will of Mahalakshmi Boyee in 1905

14. Plaintiff is therefore entitled to the possession and management of the said villages.

15: On the 17th December 1897 by

7.74-93, the Mysore Government in the Inungrai Department through the 1st defendant, directed the Deputy Commissioner, the 2nd defendant, to proceed to assume the management of the said four villages in the Inungrai Department and administer the same.

16. The Deputy Commissioner on behalf of the Mysore Government in April 1898 subsequent to the aforesaid Proceedings took possession of the aforesaid villages and has been managing the same.

17. The said Proceedings were passed without notice to the plaintiff who is a permanent resident of Madras or to the representatives of Brijilal Dos.

18. The assumption of the management and possession of the said four villages by the Mysore Government is illegal and wrongful for the following

Reasons:—

(a) The grant of the said villages distinctly states that the grant was from generation to generation as Sarwa Inam with all rights of ownership.

(b) His Royal Highness in his own hand above his seal states that they were given as Sarwa Inam from generation to generation.

(c) The grant was not for any limited purpose or period.

(d) No rights of resumption are reserved in the said grant.

(e) No notice was given to the plaintiff or to the representatives of Brijlal Doss before the order of assumption of management and possession was made.

19. The plaintiff became aware of such assumption of management

and possession

1901 and submitted petitions along with his co-executrix who is since dead to the Deputy Commissioner and the Dewan of Mysore without success.

20. The plaintiff also claims mesne profits of about Rs 20,000/- for the period in which the defendants have been in possession and management.

21. The plaintiff is entitled to the possession and management of the said villages.

22. The defendants have no manner of right or title to assume the management and possession of the said villages.

23. The cause of action arose within the jurisdiction of this Honourable Court in April 1898 when the management and possession of the said villages was taken by the defendants, and in December 1901, when the plaintiff became aware such assumption of management

and possession.

24. The plaintiff estimates the value of the relief sought at Rs 18686-4-0 and also Rs 20,000/- for mesne profits.

25. Notice under Section 424 of the code of civil Procedure was given to the defendants on 4th September 1909 and 2 months have expired since the receipt of such notice.

26. The Plaintiff therefore prays:-

(a) that the Honourable Court will be pleased to declare that the plaintiff is the absolute owner and manager of the said villages.

(b) that the defendants have no right to assume the possession of the said villages under the original grant dated 8th February 1853 or otherwise.

(c) that the defendants bee directed to restore possession

to the plaintiff.

(d) that the defendants be directed to pay to the plaintiff as being entitled to the same the net profits of Rs 20.000/- or such further sum as may be found due on taking an account.

(e) that this Honourable Court may direct removal of attachment or injunction if any placed on the villages aforesaid.

(f) that the defendants be directed to pay the costs of the suit, and,

(g) for such further or other relief as to this Honourable Court may seem meet and the nature of the case may require.

Schedule

(1) Village of Bandahally situate in the Kunigal Taluq, Tumkur

District, Mysore Province, Regis
sheet no. 119 and bounded.

on the East. Boundary Stones on
the borders of the Honna-
machanna Lally and Nidasale.

on the west. Boundary Stones of Kodau
in this Taluq and Nowle of
Maddoor Taluq.

on the north. Boundary Stones of Kam-
pal-apura and Lakkettihalli
villages.

on the South. Boundary Stones of Ankana-
thapura and Varalkuahally,
Maddoor Taluk.

2. Village of Chikkamuttkur
Situate in the Kunigal Taluk, Tumkur
District. Mysore Province, Registration
Sheet no. 120 and bounded.

on the East Boundary Stones of the
villages of Tappasi and
Pippanaikanahally.

Doddamallur village.

on the north. Boundary Stones of Shambhoodevanahally, Arepalya, Hosakere, and Seenappanahally villages

on the South. Boundary Stones of Boudhs of the Madappanahally 3 or 4 villages.

(3) village of Bolenahally Situate in the Kunigal Taluk, Tumkur District, Mysore Province, Registration Sheet no. 119 and bounded.

on the East. Cattle path on the margin of the Kodi Nulla of Doddamalamoore.

on the West Moodre Stones near the Rock adjacent to Veerabhadra Temple of Doddamalabicoore

on the South. Nulla called Ane Aravana-narasidahally.

on the north. Boundary of Marikodigi field of Doddamalamoore

(4) Village of Lakkasettipura in the Kunigal Taluq, Tumkur District Mysore province, Register Sheet No 23 and bounded.

on the East — Boundary Stones of Honnachannahally and Huliyurdurga

on the West. — Boundary of Kampalapura Village

on the north. — Boundary of Huliyurdurga Village

on the South — Boundary of Honnamachannahalli and Bandihalli Villages.

"Signed"
Sd. Venkata Rao.

I declare that the facts above stated are true to my knowledge except as to matters stated on information and belief and as to those matters I believe them to be true

"Signed" Sd. Venkata Rao

Suit for possession of 4 villages and
for mesne profits.

Value of 4 villages at 15
times the nett profits of
last year is . . . . . Rs 18686-4-0

Stamp thereon. . . . . Rs. 775-0-0

Mesne profits claimed Rs 20000-0-0

Stamp thereon . . . . . Rs 745

Total Stamp Rs. 1520-0-0

"Signed"
M. Venkata Rao.

"Copy"

M Ramachandra Rao
for Deputy Commissioner

compd

Muz A 171-09-3

190

From The Deputy Commissioner,
Tumkur District,
Tumkur.

To The Secretary to the Government
Mysore, Genl: and Rev: Departments,
Bangalore.

Dated 13th December 1909.
Despatched 14th
Received
General No. 361
No.

Enclosure No. 2

Begs to be informed whether the Government Advocate has been instructed and if any action is required of the Deputy Commissioner in the matter of the notice issued to him as 2nd defendant by one Mysore Venkata Rao for recovery of the possession &c of the Inam Villages to the Damodar Doss Charities in the Kunigal Taluk

Refer
GA
Continue note
by 16/12/09

Office of the

Deputy Commissioner, Tumkur District,

Dated Tumkur 14th December 1909.

From,

K.Doraswami Iyer Esqr.,

Deputy Commissioner,

Tumkur District.

To,

C.S.Balasundaram Aiyar Esqr., B.A.,

Offg; Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments, (Muzrai).

Bangalore.

Sir,

In continuation of this office letter No. 188 dated 9th September 1909, forwarding a notice together with a copy of the plaint received from one Mysore Venkata Rao calling himself the Executor of the will of Mahalakshmi Boyee alleged to be the sister of the stepmother of the last male heir Brijalal Doss, of his intention to file a suit for recovering the possession and management of the four Inam villages endowed to the Damodar Doss charities in the Kunigal taluk now under the Government management, I have the honor to state that the suit has been filed in the Court of the Sub-Judge at Bangalore against the Deputy Commissioner, Tumkur District, as the 2nd Defendant in the case. The duplicate of the summons requiring appearance personally or by Pleader on the 10th February 1910 is forwarded herewith together with the copy of the plaint received with the summons. I be to be informed if Government Advocate has been instructed in the matter and if any action is required of me.

I have the honor to be,
Sir,
Your most obedient servant,

G.R.S. 28

File No 171-09
Serial No. 4

Diary No. of letter replied to —

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 190

Date of issue 3rd January 1910

Signed by M. A. S. [illegible]

READ—

Govt Pro. No. 720-74-92 Mukt dated 9th December 1897, directing the assumption by Govt of the management of the charities established by the late Damodar Doss Sait in the Kunigal Taluk and of its endowments.

ORDER THEREON.—No.

Letter No. 362, dated 13th December 1909, from the Dy Commr, Tumkur Dt, reporting that one M. Venkata Rao, calling himself as Executor of the will of Mahalakshmi Bayi, alleged to be the sister of Sri Doss, last male heir of Damodar Doss

[illegible]

SUBJECT

Court at Bangalore against the Dy Commr
for the recovery of the possession and
management of the endowments
made to the charities, and that the
case stands posted for hearing on
the 10th Febry 1910.

Order thereon:- [illegible]
The ~~records connected with the~~
~~assumption by Govt of the management~~
~~of the charities and of their endowments~~
are forwarded to the Govt Advocate
in Mysore, ~~with the request that~~
who is requested to appear in the
case and defend the suit - [illegible]
[illegible]

31/1/1910
For Secretary

By 17.12.09

To

The Govt Advocate in Mysore.

Dy Commr, Tumkur &c. ref[illegible] enclosures.

Compte, Mysore Govt, forwg

Office of the Government Advocate in Mysore,

Bangalore dated, 4th February 1910.

D 1477

dated 171-09-5

From,

The Government Advocate in Mysore,

Bangalore.

To,

The Secretary to the Government of H.H. the Maharaja of Mysore, General and Revenue Departments.

Sir,

As directed by Government Order No.1653-5/M.F 171-09-4 dated 3rd January 1910, I have the honour to enclose a draft written statement setting forth the defence in O. S. No.28 of 1909-10 on the file of the Sub Judge of Bangalore, (M. Venkata Rao VS. 1. Muzrai Officer and 2. The Deputy Commissioner Tumkur) for the approval of Government, together with two printed books containing translations of the several wills referred to in the plaint.

The whole file relating to this claim is also sent herewith which, I have the honour to request, may be returned with the approved draft as early as convenient.

I have the honour to be,

Sir,

Your most obedient servant,

S. Narayana Rao

Government Advocate.

171-09-6

Office of the Deputy Commissioner

Tumkur District

Dated Tumkur 3rd February 1910

From

K. Doraswami Iyer Esq

Deputy Commissioner

Tumkur District

To

C.S. Pelasundaram Iyer Esq B.A.

0683. Secretary to Government of His Highness

the Maharaja of Mysore

General and Revenue Departments

Bangalore. (Answered)

Sir,

In forwarding herewith the copy of the Government Advocates letter No 189 dated 27th ultimo, requesting that copies of certain documents etc for drawing up the defence in the case filed by one M. Venkata Rao against Government (Defendant) for getting the absolute possession and management of certain Inam villages endowed to the Damodar Doss charities in the Kunigal taluk, might be obtained and sent to him, I have the honour to invite your reference to Government order No 1603-5 / M.F 171-09-4 dated 3rd January 1910, wherein the Government Advocate is requested to himself obtain copies of wills etc and submit to Government the defence proposed to be adopted . The Inam Office being in Bangalore I beg to suggest that needful copies can be more easily and sooner obtained directly there. The deed referred to in para 5 of the Government Advocate's letter, it is seen on referring to the available old papers in this Office , was registered in the Sub Registry Office at Srirangapatam in 1880. ~~This~~ considerable delay would be avoided if the Government Advocate can be instructed to procure needful documents directly himself At his request a sum of Rs 30 has already been placed at his disposal for initial expenses A

statement

Case 171-09-G

From

The Deputy Commissioner

Kanara District

To

The Secretary to Govt

General Dev Dept

Bangalore.

Dated 3rd February 1910

Despatched 5th Feb 09

Received

General No. 466

No

Enclosure No. one

Suggesting that the copies of certain documents be required by the Govt Advocate for drawing up the defence in the suit filed by Venkatarao against Govt for possession and mesne profits of the Inam villages endowed to the Damodar Dos may be obtained by him directly to avoid delay and pointing out the decision of the Special Court in the case.

Ref

9th by

7.2.10

Ag

statement of income and expenditure of the Inam villages alluded to in para 4 of the Government Advocate's letter has been sent to him .

2. As regards the title of the Plaintiff to file a suit , I beg to invite reference to endorsement No 4076 dated 20th March 1906 issued by Government to the petitioner Mahalakshmi Boyee and M. Venkata Rao wherein it is stated that the Special court expressly declared that they were not the legal heirs of the deceased --- Damodar Doss Sait and the question arises if this M. Venkata Rao is identical with the person of that name in the judgment passed by the Special Court whether that judgment could have left open to him to file his present suit .

3. The case is fixed for hearing on the 10th instant and an adjournment would have to be obtained.

I have the honour to be

Sir,

Your most obedient servant

For Deputy Commissioner.

28

Office of the Government Advocate in Mysore

Bangalore. dated, 27th January 1910.

Enclosure to D-No. 1496
Mun 7-171-09-6

From.

The Government Advocate, in Mysore
Bangalore

To.

The Deputy Commissioner
Tumkur District
Tumkur.

Sir,

Re: O.S. No 28 of 1909-10 (Sub Court, Bangalore)

Md. Venkata Rao.

1. Muzrai Secretary
2. Deputy Commissioner, Tumkur.

For the purpose of drawing up the defence in the above case the documents and information mentioned below are necessary, which, I have the honor to request, you will be good enough to obtain from the departments Concerned and

e to posted – the 10th – ary 1910
for hearing.

1. Certified Copy of Copies of the written Statement or Statements filed by the agent of the Inamdar of (1) Bandanahally (2) Chickamuthakur (3) Bolenahally and (4) Lakkesettihally of Kunigal Taluk at the Inam enquiry held in or about 1870 (Inam Department)

2. Certified Copies of the Inam enquiry and Settlement register for these 4 Villages. (Inam Department).

3. Whether the Inam title deeds were issued for these four Villages? If so to whom were they delivered? Copies of these title deeds, if available, may be sent

4. A Statement Showing the income and expenditure of the said 4 Villages for each year from the time they (Villages) were taken possession of by the Government up to the date of Suit (1st December 1909)

and 5. A deed of gift is alleged to have been executed on 15th December 1879 in respect of some of the said Villages by Jamna Bae and Subhadra Bai in favour of (1) Venkatanarasimha Char (2) Harigiria Char and (3) Sreedharachar of Sreerangapatam and registered (Vide your predecessor's letter to the Secretary to Government no: 290 dated 15/16th September 1897). A Search may be made in the Office of the Sub Registrar who then had Jurisdiction over the place. If such a document be found a copy of the same may be obtained and forwarded

I have the honor to be
Sir
Your Most obedient Servant
(Sd) S. Narayana Rao
Government Advocate

4 Copies

Attested by
For Deputy Commissioner

G.R.S. 28.]

File No. 171-09
Serial No. 7

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

ENERAL AND REVENUE SECRETARIAT.
( )

, the 19

Date of issue 9th February 19

Signed by M. A. S. Iyer

READ—

Letter no 195, dated 4th Feb 1910, from the Govt Advocate in Mysore, submitting a draft written statement setting forth the defence in the suit filed by M Venkata Rao ~~ag~~ in the Sub Judges Court at Bangal against the Murrai Officer and the Dy

ORDER THEREON.—No. Commr, Tumkur, for the recovery ~~and~~ of possession and management of the villages endowed to Damodar Doss Saib Charities in the Kunigal Taluk

Order thereon:- 2016-17 Cve 1 file

The draft written statement subd

over

SUBJECT.

with the letter read above is approved with some additions and returned to the Govt. Advocate for the needful being done in the matter.

2. Copy of ~~the Translation of~~ letter No. 466 dated 3rd Feb.y 1910, from the Dy.Commr., Trichinopoly, on the same subject is also forwarded to the Govt. Advocate with the request that necessary action may be taken in accordance therewith.

By
9/2/1910
for Secretary.
W 9.2.10.

To

The Govt. Advocate in My case, Ret.d the file.

Dy.Commr., Trichinopoly D.t

No 206.

Office of the Government Advocate in Mysore.

Bangalore dated, 12th February 1910.

D 1556

From,

The Government Advocate in Mysore,
Bangalore.

To,

The Secretary to the Government of H.H. the Maharaja
of Mysore General and Revenue Department

Sir,

Re: Government Order No.1658-F/M.F.171-09-4
Venkata Rao VS. 1.Mufrai Superintendant &
Ex Officio Under Secretary.
2.Deputy Commissioner Tumkur Dt.

I have the honour to state that the above case which stood posted for settlement of issues on 10th February 1910 has been adjourned to 3rd Proximo, as the plaintiff wanted the Court to issue a fresh summons to 1st defendant with his designation amended as above, and to request that the officer in charge of the Inam Department may be asked to furnish information on point (c) and to send the certified copies of documents (a) and (b) noted below.

(a) The written statement or statements submitted by the Inamdar or his agent for the villages of (1) Bandenahally, (2) Chickamuthakur, (3) Bolenahally and (4) Lakkesettihally of Kunigal Taluk at the Inam enquiry held on 1870 or 1871.

(b) The Inam enquiry and settlement register of these four villages.

and (c) Were Inam title deeds issued for the said villages? If so to whom were they delivered?

I have the honour to be,
Sir,
Your most obedient servant,

S. Narayana Rao

Government Advocate.

284

File No.

Serial No.

G.R.S. 26]

Diary No. of letter replied to

No. 2071 enc 1
Mys. 7. 171-09

General and Revenue Secretariat
( )
, *the* 190

To

The Supdt of
Inam Settlements in Mysore,

Date of issue 19th February 1910

Signed by Mr. C. S. B. Iyer

Sir,

I am directed to state that one M Venkatta Rau, calling himself ✗ the Executor of the Will of Mahalaxmi Bai, alleged to be the sister of Brijdal Doss, last male heir of Damodar Doss, has filed a Suit in the Sub judge's Court at Bangalore for the recovery of the management of the charities established by Damodar Doss in the Kunigal Taluk now under Govt management. In this Connection, the Govt Advocate in Mysore was requested to appear in the Case and defend the suit. A copy of

over.

SUBJECT.

ce no 206 Dy 12 = Feby 1910
on the subject
requesting some inform from
the Inam Dept is herewith
forwarded. As the case has
been adjourned to the 3d proximo,
I am to request that you
will be so good as to furnish
direct to the Govt Advocate,
the inform as also certified
copies of the documents
required by him at a very
earliest ~~earliest~~ practicable
early date and ~~intimate~~ the
fact to Govt

I have &c.

Sd/-

No. 2072 For Secretary

List of enclosures,

Copy to the Govt.
Advocate in mysore with ref to
his Letter no. 206 Dy 12th Feby 1910.

By order,

Sd/-

For Secretary.

Copied by

Examined by

GPB—10,000—23-5-08

1909-10

From

The Superintendent of Inam Settlements in Mysore.

To

The Secretary to the Govt of Mysore Gen+Rev. Depts.

Dated 24th
Despatched } July. 1910.
Received
General No. 71
No.

Enclosure No.

Forwards a copy of the letter addressed to the Govt. Advocate, relative to the issue of Title-Deeds of the villages mentioned in the margin of the letter under reference.

Refer

GPB—2,00,000—15 4 09

Inam Superintendent's Office
Dated, Bangalore 24th July: 1910

No. 126
Encl. 8

37

From The Superintendent of Inam Settlements in Mysore.

To The Government Advocate in Mysore.

Sir,

As requested in the General and Revenue Secretary's letter No. 2071 Mwz.F171-09-9, dated 19th February 1910, I have the honor to forward herewith, the marginally noted copies of Inam Registers &c etc and to state that Inam Title Deeds were issued for the four Villages, in question. They should have been delivered to Mr. Vrijalal Dass Sett. It cannot be definitely said from this Office records to whom they were delivered The Title Deeds were sent to the Deputy Commissioner of the Tumkur District for delivery to the party concerned.

I have the honor to be,
Sir,
Your most obedient servant
(Sd). D Shama Rao
Superintendent of Inam Settlements in Mysore.

P.T.O

1 Copy of the Inam Register of Bandehally
2 do ... Chickanamukkuru
3 do ... Lakkasettipura
4 do ... Bolenahally
5 do ... —
6 do ... —
7 do ... —
8 do the Vernacular Statement of Bandehally
9 do ... Chickanamukkuru
10 do ... Lakkasettipura
11 do ... Bolenahalli

No. 71

Inam Superintendent's Office
Dated Bangalore 26th July 1910

Copy of the above is forwarded to the Secretary to the Government of Mysore, General and Revenue Departments for information, with reference to his letter No. 2071 / Mwz.F.171-09-9 dated 19th February 1910

D Ramachar

Superintendent of Inam Settlements in Mysore.

No 610/Encl 2

Office of the Muzrai Superintendent
in Mysore.
Dated Bangalore, 2nd March 1910.

D 1659
Muz. F. 171-09-11

From

A. Subrahmanya Iyer Esq., B.A.,
Muzrai Superintendent in Mysore.

To

The Secretary to Government of His Highness the
Maharaja of Mysore, General and Revenue Departments.

Sir,

I have the honor to forward herewith summons in O.S.No. 28 of 1909-10 on the file of the Subordinate Judge, Bangalore, with a copy of the plaint filed by one Venkata Rao for the recovery of possession and management of the villages endowed to Damodar Doss Sait's Charities in the Kunigal Taluk and to solicit the instructions of Government in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Superintendent.

4/3/10

G.R.S. 28.]

File No. 171-09

Serial No. 12

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, the 19

Date of issue 3rd March 1910

Signed by Mr. A. S. Iyer

READ—

Letter No 810 dated 2nd March 1910, from the Muzrai Superintendent in Mysore, stating that a defendant's summons has been issued to him in the suit filed by M Venkata Rao, for the recovery of possession and management of the villages endowed to Damodar Doss Sait's Charities in the Kunigal Taluk, and soliciting instructions of Govt in the matter.

ORDER THEREON—No.

Order thereon:— Govt Advocate in Mysore, who has been directed in Govt Pro. No 1653-5

over

SUBJECT.

dated 3rd Jan. 1910 to appear in the case in question on behalf of the Deputy Commissioner, Tumkur Dt. is requested to appear on behalf of the Murrai Supdt also and defend the suit.

2 The written statement approved in Govt Pro: No. 2016-7 dated 9th Feb 1910, may be presented on behalf of the Murrai Supdt also, unless the Govt Advocate sees any reasons to propose another

2/3/1910

2/3/10

For Secretary

4/2/3/10

To

The Govt Advocate in Mysore,

" Murrai Supdt in Mysore, 2 Encls.

" Compt., Mysore Govt.

" Dy Commr., Tumkur Dt.

Office of the Deputy Commissioner

Tumkur District,

Dated Tumkur 27th/30th September 1910

From

K. Doraswami Iyer Esq .

Deputy Commissioner

Tumkur District.

To

C.S. Balasundaram Iyer Esq B.A.

Offg. Secretary to Government

of His Highness the Maharaja of Mysore

General and Revenue Departments

(Muzrai)

Bangalore.

Sir,

In continuation of this Office letter No 466 dated 3rd February 1910 in re the suit filed in the Sub Judges Court at Bangalore by one M. Venkata Rao against the Deputy Commissioner of Tumkur and the Muzrai Superintendent in Mysore for the possession and management of the Inam villages endowed to the Damodar Doss charities in the Kunigal Taluk now under Government management , I have the honour to invite reference to section 229 of the Land Revenue Code wherein it is stated that the subordinate Judge shall not receive or register a suit in which any Officer of Government in his Official capacity is a party but refer the matter to the District Court, which alone has such jurisdiction .

I have the honour to be

Sir,

Your most obedient servant

G. Hanumanthaiya

For Deputy Commissioner.

D 6224
1910

From Dwr 171-09-10

The Deputy Commissioner

Tumkur District.

To

The Secretary to Govt
of Mysore Gen. and Rev
Departments
Bangalore.

Dated 27th/30th September 10

Despatched

Received

General No. 122

No.

Enclosure No.

Inviting reference to section 229 Land Revenue Code prohibiting institution of suits in the Sub Courts re suit filed by Venkata Rao for possession &c of Inam village endowed to the Damodar Doss charities

A.V.
Confirm what early.
8/10/10
3-
1/10/1910

G.R.S. 29A]

1910 11

From

Secy. to the Govt. of His Highness
The Maharaja of Mysore,
Genl. and Rev. Dept.

To The Govt. Advocate

Dated

Despatched

Received

General No.
No.

ENCLOSURE No.

In continuation of
G.O. No. 2203-5 dated
the 3d March 1910 regarding
the suit filed by M. Venkata
for the recovery of possession
& management of the villages
endowed to Damodar Das
Saits' Charities in the Kunigal
Taluk, I have the honor to
forward herewith a copy
of letter No. 122 dated the
29th Septr 1910 from
the Dep Comr of the Tumkur
Dist on the matter

CPB—10,000—9-4-06.

Byrder

23/9/10

Entered
RL
23/10/10

Copy forwarded to the Agent Rumtum Sk for info with reference to his letter No 122 of 27-9-10.

H.O.
29-10-10

Entered
RL

From

The Deputy Commissioner,

Tumkur District / 91-10-15

T Ú M K U R.

To

The Secretary to the Government of

Mysore, General & Revenue Departments

Bangalore.

Dated 2nd November 1910.

Despatched 3 --do--

Received

General No. 163

No

Enclosure No. 2.

Seeks instruction- in the matter of giving a list of witnesses &c to the Government Advocate in the suit filed by Venkata Rao against the Deputy Commissioner and Muzrai Superintendent

---

Venkata's note read

S/

7/11/1910

Office of the
Deputy Commissioner, Tumkur District,
Dated Tumkur, 2nd November 1910.

From,

K. Doraswami Iyer Esqr.,
Deputy Commissioner,
Tumkur District.

To,

C.S.Balasundaram Iyer Esqr.,B.A.,.
Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
B a n g a l o r e.

Sir,

I have the honor to send herewith copy of the Government Advocate's letter No. 132 dated 1st November 1910 and copy of the issues framed in O. S. No.28 of 1909-10 on the file of the Sub-Judge Bangalore (Venkata Rao Vs Deputy Commissioner of Tumkur and Muzrai Superintendent). The Government Advocate asks for a list of witnesses. I can think of no witnesses, as answers to the issues would have to be sought in Government documents. I beg Government orders in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

For Deputy Commissioner.

TBM.

Enclosure to DNo 841
Mus 171-09-15

No 132

Office of the Government Advocate
in Mysore, Bangalore.
Dated 1st November 1910.

From,

The Government Advocate in Mysore,

To,

The Deputy Commissioner, Tumkur District.

Sir, Re O.S.No.28 of 1909-10, on the file of the Sub-Judge's Court, Bangalore (Venkata Rao Vs Deputy Commissioner Tumkur District, 2 Muzrai Superintendent).

I have the honor to enclose herewith a copy of the issues framed in the above case and to request that a list of witnesses to be examined on your behalf may be kindly sent to me as early as convenient.

A similar request has this day been made to the Muzrai Superintendent.

I have the honor to be,
Sir,
Your most obedient servant,

/Signed/ S. Narayana Rao
Government Advocate.

COPY.

For Deputy Commissioner.

Enclosure to D-NO 841/ Jmn 171-09-15

In the Court of the Sub-Judge, Bangalore.

O.S.No. 28 of 1909-10.

I S S U E S.

1. Were the villages in question granted to Domodar Doss to be enjoyed by him and his heirs, and assisnees absolutely as his own property by the Royal grant dated 8th February 1830 ? If not, what are the terms of the grant ?

2. Are the several wills referred to in the plaint and alleged to have been executed by Devaki Bai, Jamna Bai, Subhadra Bai and Mahalakshmi Bai respectively, genuine and valid ?

3. Were these villages in possession and enjoyment of Damodar Doss, Brijalal Doss, Devaki Bai, Jamna Bai, Subhdra Bai, Mahalakshmi Bai and the plaintiff successively in their own right till April 1898 as alleged in the plaint or as managers and trustees for charitable institutions as pleaded by the Defendants

4. Were these villages dedicated for charitable and religious institutions viz, the Chattram and temples by - Domordar Doss and his nephew Brijilal Doss, as alleged by the Defendants ?

5. Are the Plaintiff and his predecessors in title bound by the Inam settlement referred to by the Defendants ? If so, have any of them done anything to forfeit their claims to these villages ?

6. Have the Civil Courts jurisdiction to question the decision of the Inam Commissioner and adjudicate on the nature and conditions of the Royal grant of these villages ?

7. Has the Court jurisdiction to adjudicate on the correctness or otherwise of the order of Government of His Highness the Maharaja of Myosre resuming the villages for breach of the conditions of the Inam settlement ? If so was that resumption justifiable on legal grounds ?

8. Is the suit for the possession of the villages maintainable without a prayer for the cancellation of the said order of Government to resume these villages, and is the claim barred

by Article 14 Schedule II if the Limitation Regulation ?

9. Is the suit as framed against the mere Officers as the Defendants as distinguised from the occupants thereof for the time being, maintainable ?

10. Is the claim for mesene profits for any period excluding 3 years, immediately before the suit, barred by the law of Limitation ?

11. What is the mesene profit for which the Plaintiff is entitled ?

12. Do the decisions of the Chief Court in R.A.No.70 of 1908-1909 and of the Special Court referred to by the Plaintiff, operate as Resjudicata in respect of the contentions of the Defendants ?

13. Are the Defendants estopped by their conduct from advancing any of their present pleas as pleaded by the Plaintiff?

14. Were these villages bequethed by Devaki Bai, Jamna Bai, Subhdra Bai and Mahalakshmi Bai, under any of the wills referred to in the plaint ?

15. Is the plaintiff entitled to all or any of the reliefs claimed in the plaint ?

16. Are the several letters of Administration and Probates referred to in the plaint, valid and binding on the Defendants, and are they legally admissable in evidence in respect of title to the said property in the Territories of Mysore ?

27-9-1910.

/Signed/ B. Narappa

Sub-Judge.

" COPY"

For Deputy Commissioner.

TBM.

Office of the Government Advocate in Mysore

Bangalore, Dated 7th November

D 8554

Jud 171-09-16

From

The Government Advocate in Mysore.

To

The Secretary to the Government of H.H.the Maharaja of Mysore, General and Revenue Departments.

Sir,

In reply to your docket No.1061/171-09-14 dated 2nd Instant, enclosing a copy of the letter of the Deputy Commissioner of Tumkur No.122 dated 27th/30th September 1910, and calling my attention to Section 229 of the Land Revenue Code, I have the honor to state that the provisions of that Code apply exclusively to Revenue Officers as defined therein ~~ØØ~~ and cannot go beyond the scope of the preamble to that Regulation. The Officers of Government working in the Police, Medical, Municipal, Jail, Public Works and Judicial Departments are not, in my humble opinion, exempted from the jurisdiction of the District and Subordinate Judges. Should it be deemed desirable to obtain a judicial decision on the point, I shall, on hearing from you, file an additional written statement and have the matter put in issue.

2. A copy of the above has been forwarded to the Deputy Commissioner of Tumkur.

W/ enclosure note

8/11/10

I have the honor to be
Sir,
Your most obedient servant.

L. Narayana Rao

Government Advocate.

G.R.S. 26]

2 Diff

File No. 171-09
Serial No. 17

654/20
1-12/12 Diary No. of letter replied to ——

No. 1294 Encl
to 171 09-17

General and Revenue Secretariat
( )
, the 190 .

To

The Govt Advocate
in Mysore

Date of issue 5-12-1910.

Signed by Mr A Subrahmanya Iyer

Sir,

I am directed to forward herewith a copy of letter no 163 dated 2d novr 1910 from the Dy Commr, Tumkur &c, seeking instructions in the matter of issuing a list of witnesses in the suit filed by Venkata Rau against the Dy Commr and the Hony Supdt and to request that you will be good enough to move the Court & get the issues

over.

SUBJECT.

on legal points decided first.

The records of the case which have been abstracted in support of the appeal have also been

Dewar's order / 30/11/09 / for Offg. Secretary.

No. 1495

Copy from record to Chief Secretary —

for the Hon'ble Chief [illegible] for information with reference to letter No 163 dated 2nd Nov 1910.

By order

SJ

3/11/1909

List of enclosures.

Copied by [illegible] 3/12/10

Examined by

MGCPB—30,000—16-2-05

G.R.S. 26]

File No. 1709

Serial No. 18

8324
2-12-10

Diary No. of letter replied to

No. 1495

General and Revenue Secretariat

( )

, *the* 190 .

To

The Dy Commr,
Tumkur Dist

Date of issue 5-12-1910

Signed by Mr ASubrahmanya Dy

Sir,

Adverting to your letter no 122 Dy 27th Septr 1910 and in contn of this office memo no 1062 Dy 2nd novr 1910, I am directed to forward herewith a copy of letter No. 137 dated 7th novr 1910 from the Govt Advocate to the effect that Rev Offrs, as defined in the Land Rev. Code, are the only Offrs in their official Capacity exempted from the jurisdiction of Munsiffs and Sub Judges.

I have &c.

Revised draft

SUBJECT.

5/12/1910 over.

Mr 8779. Secretary
7/12/1910

List of enclosures.

Copied by

Examined by

MGCPB—30,000—16-2-05

D. 1204
F. 171-09-14

No. 798

Office of the Muzrai Superintendent in Mysore.

Dated, Bangalore, 9th Jany. 1911.

From

A. Subrahmanya Iyer, Esqr., B. A.,
Muzrai Superintendent in Mysore.

To

The Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Deaprtments.

S i r,

I have the honor to state that in connection with the suit filed by one Venkata Rao against the Deputy Commissioner of the Tumkur District and the Muzrai Superintendent about the Damodar Doss Charities, the Government Advocate who appears for the Defendants asked me to name the witnesses. On my writing to him that I would say who the witnesses would be if he specified what points I had to prove, he met me to-day and said that it is necessary to prove that an enquiry was held before Government assumed the management of the Charities and endowments and wanted information on the following points:-

(i) Was an enquiry held before Government assumed the management of the villages, what Officer conducted the enquiry and what officials helped him ? Is the evidence of those available ?

(ii) To what points was this enquiry directed ?

(iii) To what parties were notices issued in connection with the enquiry ?

(iv) Which of these is alive and which dead ?

(v) Is Venkatanaranappa referred to in the proceedings of 1897 and other years as Agent alive and is he likely

to give evidence for the Defendants ?

(vi) Are there any old and reliable persons who can speak about the Chattram, Temples and other Charities not being properly managed prior to the assumption of management by Government ?

2. He also wants that (a) the accounts furnished by Venkatànaranappa during the enquiry and characterized by the Deputy Commissioner in his letter No. 290 dated 16th. September 1897 as not reliable should be sent ; (b) copies of petitions and representations about mismanagement upon which action was taken should be sent ; (c) a tabular statement showing correctly the income and expenditure every year according to the accounts given by Venkatanaranappa and during the years of Government management should be sent. (The Gumasta preparing this to appear before Court to speak about its correctness)

3. The Government Advocate has to file a witness list on or before the 19th. Instant. I have the honor to request that the Dy. Commissioner, Tumkur District, may be instructed to furnish not only the information and documents required by the Government Advocate but any other information that will show that an enquiry was held before the management of the Charities and endowments was assumed by Government.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Superintendent.

G R S. 28.]

File No. 171-09
Serial No. 20

Diary No of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, the 9

Date of issue 19-1-1911

Signed by Mr Ambrahmanya Iyer

No 1803-S Dy 19-1-1911
Dmra 171-09-20

READ—

The following letter
No. 798 dated 9 Jan. 1911
from the Musy. Superintendent
in Mysore.—
(In extenso)

ORDER THEREON — No.

The Dy Commissioner
of the Town Kur dt is requested
to furnish as early as practicable
the information and the documents
mentioned by the Govt Advocate
and also any other information
that will show that an enquiry

over

SUBJECT.

was held before the management of the Charities and their endowments was assumed by Government.

2. A report of having complied with the request of the Govt Advocate dated 6th Dec be submitted to Govt for information

DBH 7/1/1911

Dr Apply. Secretary

16/1/11

To.

The Dep. Comm[r]. Tinnevelly Dt.,

Muzaffirpt in Duplicate,

Govt Advocate.

Civil.

Form No. 93.

1277

13-1-1911

From B. Nagappa Esqr. Barrister at Law
Subordinate Judge, at Bangalore

To The Inspection Superintendent and Secretary
Bangalore

Sir,

I have the honor to forward herewith Pffs witness Summons, in duplicate in O.S. 28/09-10. No. of 1911, in the file of this Court, and to request that you will be so good as to cause the duplicate to be served on the individual therein named, and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing.

A sum of Rs. 0 — 8 — is herewith sent, being witness batta,

I have the honor to be,

Sir,

Your most obedient servant,

GPB—11,050—1-9-09

Subordinate Judge

was held la
of the Charitie
endowments
Governmen
2. A repor
Complied wit
your Advo
submitted t

D

To.

The Rev. Sam
Mun-a
You

Summons to a witness.
Secs. 159 and 168, C. P. Code.

Form No 12, Civil

IN THE COURT OF the Sub-Judge AT Bangalore

Suit No. 0928 of 1909-10

Plaintiff | *vs.* | *Defendant*

Venkataraoo | 1. Inzrai Superintendent
2. Deputy Commissioner of Tumkur district.

To the Inzrai Superintendent and (1st defendant).

Resident of

WHEREAS your attendance is required to give evidence on behalf of the plaintiff in the above cause, you are hereby required to appear in person before this Court at ——— on day the 2nd day of February 1911, at the hour of 11. A.M., and to produce the documents ~~hereunto described~~, viz, described on the

A sum of Rupees 0-8-0 being your travelling and other expenses and subsistence for one day is hereby tendered to you, if you do not comply with this order, you will be subject to the consequence of non-attendance laid down in the Code of Civil Procedure, Section 74.

Note.—(1) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2) If you are detained beyond the day aforesaid a sum of Rupees ——— will be tendered to you for each day's attendance beyond the day specified.

Given under my hand and the seal of the Court this 7th day of

By order of Court,

Seristadar ~~or Head Munshi~~.

3—10,000—2-4-10

(a) p[illegible]ion of [illegible] Ven[illegible] arao and [illegible]a [illegible]ennee to p.n. Krishnamoothy Esq. **dewan**, d/28-2-19[illegible]

(b) petition of reminder by plaintiff Venkatarao and mahalakshmee bai to p.n. Krishnamoothy Esq dewan d/8-7-1904

(c.) Letter of plaintiff Venkatarao, dated 8-9-1905 requesting adjournment.

(d) Telegram of plaintiff Venkatarao to the Inam secretary Mr. Ananthaswamyrao d/16-9-1905

(e) memorandum of plaintiffs case. d/11-3-1905 sent to the dewan

(f) petition of reminder to Sir p.n. Krishnamoothy d/18-12-1905

(g) Letter no 379 d/17-10-1896 from the deputy Commissioner of Tumkur to the Government throug the Inam secretary.

(h) Government proceedings 882 Inam - F 74-93 d/5-2-1897 with the order thereon

(i) Letter no 290 d/16-9-1897 from deputy commissioner Tumkur to Government (in department.

(j) proceedings of the government by the Chief Commissioner no 4311 G 183 d/3-11-1873

(k) proceedings of the government by the Chief Commissioner no $\frac{5175}{83}$ d/13-12-1873

(l) proceedings of the government by the Chief Commissioner no 3233-42- Revenue 544 dated 26-9-1879

(m) papers and statements relating to the administrative changes at or about or soon after rendition showing chatrams under Inam management and under palace management and under the management of the C. & M. station authorities

Enclosure to D No 1260
Mus 171-09-2

Summons to a witness.
Secs. 159 and 168, C. P. Code.

Form No 12, Civil.

IN THE COURT OF The Sub-judge AT Bangalore

Suit No. O. S. 28 of 1909-10

Plaintiff { *vs.* } *Defendant.*

Venkatarao

1 Muzrai Superintendent
2. Deputy Commissioner of Tumkur district

To

Resident of The Muzrai Superintendent and secretary

WHEREAS your attendance is required to give evidence on behalf of the plaintiff in the above cause, you are hereby required to appear in person before this Court at _____ on ~~day~~ the 2nd day of February 1911, at the hour of 11 A.M., and to produce the documents ~~herein described,~~ *viz.*, described on the back

A sum of Rupees O-8-O being your travelling and other expenses and subsistence for one day is hereby tendered to you, if you do not comply with this order, you will be subject to the consequence of non-attendance laid down in the Code of Civil Procedure, Section 74.

Note.—(1) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons, if you cause such document to be produced in this Court on the day and hour aforesaid.

(2) If you are required to attend beyond the day aforesaid a sum of Rupees _____ will be tendered to you for each day's attendance beyond the day specified.

Given under my hand and the seal of the Court this 7th day of January 1911

By order of Court,

Sheristadar ~~or Head Mavalgi~~

GPB—10,000—2-4-10

62 bai to P.N. Krishnamoothy Esqr, Dewan. d/28-2-1902

(b) Petition of Reminder by plaintiff Venkatarao and Mahalakshmee bai to P.N. Krishnamoothy Esqr Dewan d/8-7-1904

(c) Letter of plaintiff Venkatarao, dated 8-2-1905

(d) Telegram of plaintiff Venkatarao to the Muzr Secretary Mr. Ananthaswamyrao d/16-2-1905

(e) Memorandum of plaintiff's case d/11-3-1905 sent to the Dewan.

(f) petition of reminder to Sir P.N. Krishnamoothy d/18-2-1905

(g) Letter No. 379 d/17-10-1896 from the Deputy Commissioner of Tumkur to the government through the Muzrai Secretary

(h) Government proceedings 882 Muz-F 74. d/5-2-1897 with the order thereon

(i) Letter No. 290 d/16-9-1897 from Deputy Commissioner Tumkur to government (in Muzrai department)

(j) proceedings of the government by the Chief Commissioner No. 4311 CJ 183 d/3-11-1873

(k) proceedings of the government by the Chief Commissioner No. 5175/83 d/13-12-1873

(l) proceedings of the government by the Chief Commissioner No. 3233-42-Revenue 544 dated 26-9-1879

(m) papers and statements relating to the administrative changes at or about or soon after the reminder showing Chatrams under muzrai management and under palace management and under the management of Mr. station authorities.

Dft as per orders

File No. 171-09

Serial No. 22

G.R.S. 20]

Diary No. of letter replied to 1260

No. 1888 - 1 - 11

Dr. 171 of 22

General and Revenue Secretariat

( )

, *the* 190

To

The Sub judge,
Bangalore

Date of issue 1-2-1911

Signed by Mr C.S Balasundaram Ay

Sir,

With reference to your letter dated 11th January 1911 forwarding a Summons to the Huzur Supdt and under-Secretary to Govt for producing certain documents in Case O S 28 of 1909-10 on your file, I am directed to state that these cannot be conveniently removed from the files and produced in Court, and that as copies of the documents appear to serve the purpose

over.

SUBJECT

of this Case, the Same will, if the party applies be granted

The Sum of eight annas forwarded with the Summons is returned herewith

D. Lane etc.

Cis. order
20.1.1911

Offg. Secretary

List of enclosures,

Copied by 30/1

Examined by

GPB—10,000—23-5-08

Office of the Deputy Commissioner ,

Tumkur District,

Dated Tumkur 21st January 1911

From

K. Doraswami Iyer Esq.,

Deputy Commissioner,

Tumkur District.

To

C.S. Balasundaram Iyer Esq., B.A.

Offg. Secretary to the Government of

His Highness the Maharaja of Mysore

General and Revenue Departments,

Bangalore.

Sir,

I have the honour to acknowledge Government Order No 1803-5/ Muz 171-09-20 dated 19th January 1911, requesting that the information and the documents wanted by the Government Advocate may be supplied to him as early as practicable as also any other information that an enquiry was held before the management of the charities and endowments was assumed by Government.

2. I enclose for the information of Government copy of a docket to the Government Advocate asking that an adjournment to about the end of April be applied for . The records asked in the summons to Undersigned would take time to trace out . They would have to be searched for in the Taluk Cutcherry and in the Sub Divisional Office and in the District Office and perhaps in the Secretariate also

3. In the Muzrai Superintendent's letter to you quoted in the Government order certain other information and documents are asked to be procured . This too would require

time

time.

4. I would suggest that the Muzrai Department of Government which figures as the 1st Defendant also ask the Government Advocate to move for an adjournment to the latter part of April or beginning of May .

I have the honour to be

Sir,

Your most obedient servant

Deputy Commissioner.

Compd
BSM

Enclosure to D No 1289
Mus 1911
171-09-23

From
The Deputy Commissioner ,
Tumkur District.

To
The Government Advocate,
Bangalore.

Dated 21st January 1911
Despatched 22nd
Received
General No. Mis. 17.
No.

Enclosure No.

In O.S. No 28 of 1909-10 .

Venkata Rao vs 1. Muzrai Superintendent
2. Deputy Commissioner of Tumkur.

Undersigned has the honour to intimate the receipt from the Sub Judge's Court Bangalore of a summons in duplicate for Undersigned's appearance with some records on the 2nd Proximo. The records have to be traced in the District Office , in the Sub Division Office and perhaps in the Secretariate also ~~also~~ . This would take time and it is requested that an adjournment of at least 3 months be applied for

Sd/ K. Doraswami Iyer
Deputy Commissioner.

"Copy"

Deputy Commissioner.

GPB—70 1eams—27 12 09

VII
3/3/11

D 1485
Mw27 17-09-

From

The Deputy Commissioner,

Tumkur District.

To

The Secretary to the Govt
of Mysore, Gen'l. and Rev.
Departments, Bangalore.
(Muzrai)

Dated 1st March 1911

Despatched

Received

General No.

No.

Enclosure No.

Requesting Government sanction to a sum of Rs 20 already advanced to the Government Advocate in connection with the Muzrai Suit re the endowments of [illegible] and to a sum of Rs 20 to be advanced towards the same.

Contains note
Hamilton
S
3/3/11

RLG
3/3/11

GPB—75 reams—25-5-10

Office of the Deputy Commissioner,

Tumkur District,

Dated Tumkur 1st March 1911.

From

K. Doraswami Iyer Esq.,

Deputy Commissioner,

Tumkur District.

To

C.S. Balasundaram Iyer Esq B.A.,

Offg. Secretary to the Government of

His Highness the Maharaja of Mysore

General and Revenue Departments,

(Muzrai)

Bangalore.

Sir,

With reference to Government Order No 1603-5 / M.F. 171 -09. 4 dated 3rd January 1910, authorising the Government Advocate in Mysore to conduct the suit for the recovery of possession and management of the endowments made to the Damodar Doss charities in the Kunigal Taluk filed by one Venkata Rao in the Sub Court at Bangalore , I have the honour to state that a sum of Rs 30/- was advanced to meet the expenses of the suit as requested in the Government Advocate's letter No 173 dated 12th idem . He again in his letter No 224 dated 22nd instant requests for a further sum of Rs 20/- at an early date stating that a detailed account for the amounts spent will be sent after the disposal of the case. I beg Government sanction for these advances which will be adjusted by submission of bills.

I have the honour to be

Sir,

Your most obedient servant

G. Hemmula Rao

For Deputy Commissioner.

G.R.S. 28.]

File No. 171-09

Serial No. 25

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 19

Date of issue 24·3·1911

Signed by ~~per~~ C Subrahmanya Ayer

READ—

-G.O. No 1653-5 Revenue 179-09, dated 3rd January 1910 authorizing the Govt Advocate in Mysore to conduct the suit filed by Venkatarao in the Sub Court at Bangalore for the recovery of the possession of the endowments made to the Damodar Das Saits' charities in the Kunigal Taluk

Letter No 329 dated 1st March 1911 from the Dy Commr, Tumkur Dist. soliciting sanction to a sum of Rs 30/- already advanced to the Govt Advocate and also

ORDER THEREON.—No.

over

SUBJECT.

to a Sum of Rs 20/- in connection with the above suit, subject to adjustment in due course.

Order Item - No 4

The advance applied for amounting to ~~aggregating~~ Rs 50/- are sanctioned.

13/3/1914

Sd/-

for Dy. Secretary.

No

8/3/14

The Dy. Commr, Tumkur

& Comptr, Mysore for

& for Advocate in Mysore.

15/3/14

VII 22/2/12

19

DIARY No. 1308
10-11-12
Mucr
141-09
26

From

The Offg: Deputy Commissioner,

Tumkur District.

To

The Secretary to the Govt.

of Mysore, Gen . and Rev. Depts ,
Bangalore.

Dated 19th February 1912

Despatched 20th February 1912

Received

General No
No. 353

Enclosure No. one

Forwarding for information a copy of this office No 1519 dated 19th February 1912 addressed to Govt. Advocate in Mysore, re the suit filed by one Venkalaya against the Inspector Superintendent & the Dy Commissioner of the Tumkur District for the possession & management of the Inam villages enclosed to the Samadar Mrs Chikkatayi the Kunigal Pk.

Contents Note
RL
22/2/12

AV
24/2/12

Office of the Deputy Commissioner,

Tumkur District,

Dated Tumkur 13th February 1912.

From

M. Shama Rao Esq. M.A.,

Offg: Deputy Commissioner,

Tumkur District.

To

C.S. Balasundaram Iyer Esq., B.A.,

Offg: Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments,

Bangalore. (Muzrai)

Sir,

With reference to para 2 of Government order No 1803-5/ Muz 171-09-20 dated 13th January 1911, I have the honour to forward herewith for information a copy of this Office letter No/529 dated 13th February 1912 addressed to the Government Advocate in Mysore.

I have the honour to be

Sir,

Your most obedient servant

M Shama Rao

Offg: Deputy Commissioner.

Mrsd

U R G E N T

19

From Enclosure to D.No. 1308 Dma 171-09-26

The Offg: Deputy Commissioner

Tumkur District.

To

The Government Advocate

in Mysore, Bangalore.

Dated 13th February 1912

Despatched 20th February 1912

Received

General No Mis/519

No.

Enclosure No.

Sir,

With reference to Government order No 1308-9 Muz 171-09-20 dated 16th January 1911 requesting me to furnish you with certain information and documents in connection with the suit, O.S. No 12 of 1911-12 on the file of the District Court, Bangalore filed by one V. Venkata Rao against the Muzrai Superintendent and the Deputy Commissioner, Tumkur District, for the possession and management of the Inam villages enjoyed to the Devadar Dose charities in the Kasaba Taluk, I have the honour to state as follows:

1 (1) An enquiry was held before Government assumed the management of the Inam villages in question. On receipt of a docket No 42 dated 12th July 1873 from the Muzrai Secretary calling for a report regarding the necessity for transferring the charitable

GPL—1.50 000—20-6 11

Agent Venkatanarayanappa was not conducting the Dasas in the temples properly as arranged by the original Inamdar, the latter has stated that he used to visit Bandihalli and Huliyurdurga while he was the sheikdar of Byadarahalli Hobli , that Venkatanarayanappa was not managing the chattram satisfactorily and that travellers were not being regularly fed . Venkatesiah has further stated that the public were then under the impression that this kind mismanagement was due and to the absence of supervision over Venkatanarayanappa the sole agent of the said charities . Both Thibberowda and Venkatesiah state that no person on behalf of the original Inamdar was going to Bandihalli and other Inam villages to supervise the Agent's work..

2. (a) The accounts furnished by Venkatanarayanappa during the enquiry and characterised by the then Deputy Commissioner as not reliable are also to be found in the file of vernacular papers on the subject .

(b) Petition No 275 dated 31st July 1896 received in Huzrai Secretary's Office from certain residents of Huliyurdurga complaining about the mismanagement of the said villages was sent here for report with rubkari No 285 dated 11th August 1896. This petition has been returned along with this Office report No 379 dated 17th October 1896 submitted to Government .

(c) It is quite evident from Venkatanarayanappa's statement made on 11th February 1912 before the Amildar of Kunigal that he had not kept accounts properly . A tabular statement showing the income and expenditure of the Sarvamanya Bandihalli , Chikkamavathur , Lakkasettipura and Bolenahalli villages subsequent to their management being taken over by Government i.e, from 1898 to the end of October December 1911 has also been prepared and will be sent whenever required .

3. The file of vernacular correspondence on the subject will, if required, be sent separately by registered post.

I have the honour to be

Sir,

Your most obedient servant

Sd/ M. Shama Rao

Offg: Deputy Commissioner.

"COPY"

M. Shama Rao

Offg: Deputy Commissioner.

DNI. as per order

G.R.S. 28½.]

File No 171-09
Serial No 27

Diary No of letter replied to 1308

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, the 19

Date of issue 12-3-1912

Signed By Mr. T.R. Ramachar for

READ--

Govt Rso no 1803-5 Inam 171-09-20 Dy 19th Jany 1911 requesting the Inamdar by Commr, Tumkur Dist, to furnish the infor^n and the documents wanted by the Govt Advocate in the suit filed by one Venkata Rao for the possession and management of the Inam villages endowed to the Damodar Doss' charities

ORDER THEREON--No.

over

SUBJECT.

Letter no. 353 dy 20 Feby 1912
from the Dy Commr, Tumkur
Distt, submitting for inform
a copy of his letter No. Mis 15/1908 19 Feby 12
by him to the Govt Advocate
in Mysore on the subject

Order thereon — No. 2181-2 dy 12/3/1912
Home I/71 09-27

Recorded

If the result of the suit
should be intimated in due
course.

Vdf 8/3/12
for Sec for Secretary
To 8/3/12
The Dy Commr Tumkur Distt
" Govt advocate.

No. 188

VII
2/57.

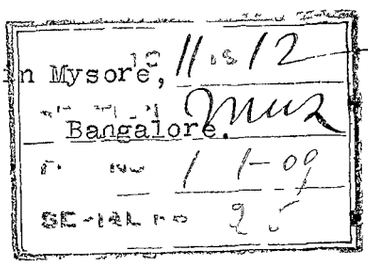
Office of the Government Advocate in Mysore,

Bangalore dated, 20th March 1912.

DIARY No. 1458

From,

The Government Advocate in Mysore,



To,

The Secretary to the Government of H.H. the Maharaja of Mysore, General and Revenue Departments.

Sir,

With reference to Government Order No.2181-2/M.F. 171-09-27 dated 12-3-1912 requesting that the result of the suit brought against Government by one M.Venkata Rao for the possession and management of the Inam villages endowed to the Damodor Doss Charities in the Kunigal Taluk, should be intimated to Government, I have the honor to report that the said suit (O.S.No.12 of 1911-12 on the file of the District Court Bangalore) was dismissed with costs.

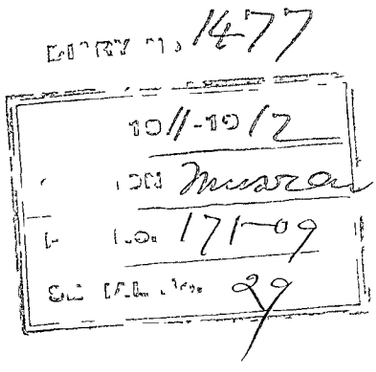
2. Copy of judgment in the case will be submitted in due course.

I have the honour to be,

Sir,

Your most obedient servant,

Sd Government Advocate.



From

The Offg: Deputy Commissioner

Tumkur District.

To

The Secretary to the Govt.

of Mysore, Gen. and Rev. Depts,
(Muzrai)

Dated Bangalore
23rd March 1912

Despatched 25th March 1912

Received

General No 437
No

Enclosure No.

States that the suit in O.S. No 12 of 1911-12 on the file of the District Judge's Court Bangalore filed by one M. Venkata Rao against Government for the possession and management of the Inam villages endowed to the Damodar Doss charities in the Kunigal Taluk was dismissed with costs .

Office of the Deputy Commissioner,

Tumkur District,

Dated Tumkur 23rd /25th March 1912

From

M. Shama Rao Esq., M.A.,

Offg: Deputy Commissioner,

Tumkur District.

To

C.S. Balasundaram Iyer Esq., B.A.,

Offg: Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments,

(Muzrai)

Bangalore.

Sir,

With reference to para 2 of Government Order No 2181-2/ Muz F 171 -09-27 dated 12th March 1912 , I have the honour to state that the Government Advocate has intimated in his docket No 191 dated 20th March 1912 that the suit , O.S. No 12 of 1911-12 on the file of the District Judge's Court , Bangalore , filed by one M. Venkata Rao against Government for the possession and management of the Inam villages endowed to the Damodar Doss charities in the Kunigal Taluk, was dismissed with costs .

I have the honour to be

Sir,

Your most obedient servant

M Shama Rao

Offg: Deputy Commissioner.

DR

Office of the Government Advocate in Mysore.

Bangalore, Dated 22nd May 1912.

DIARY No. 1947

10/11-19/2

SERIAL No. 30

BANGALORE.

From

The Government Advocate in Mysore, 171-09

To

The Secretary to the Government of H.H.the Maharaja of Mysore, General and Revenue DEPARTMENTS.

Sir,

In continuation of this office No.188 dated 20th March 1912, reporting result in O.S.No.12 of 11-12 on the file of the District Court,Bangalore,(VencataRao Vs The--Deputy Commissioner Tumkur and 2.Muzrai Superintendent)I have the honor to submit herewith a copy of judgment in the said suit.

I have the honor to be

Sir,

Your most obedient servant,

Government Advocate.

Enclosure to D No 1947
Inma. F 171-09-30

In the Court of the District Judge, Bangalore Division.

Dated 18th March 1912.

Present: T.Paramasiva Iyer Esquire, P.A., District Judge.

Original Suit No.12 of 1911-1912.

Plaintiff.		Defendants.
Venkata Rao.	VS.	1.Muzrai Officer,Muzrai Department Mysore Government.
		2.The Deputy Commissioner of Tumkur District and as such representing the Government of Mysore.

J U D G M E N T.

The suit is for a declaration that the Plaintiff is the absolute owner and manager of certain Inam villages mentioned in detail in the Plaint schedule and that the Defendants have no right to assume possession of the same; to recover possession and management thereof with mesne profits of Rs.20000/- and to remove attachment or injunction, if any placed thereon.

2. The Plaintiff states that the four villages of Bandahall Chickamuthkur, Bolenahally and Lakkasettipura of Kunigal --- Taluk, Tumkur District, together with two other villages were granted by a Royal Grant dated 8th February 1830. by His ---- Highness the Maharaja of Mysore to Damodar Doss Sait as --- Sarwamanyam to be enjoyed by him from generation to generation with all rights of ownership; that the said four villages were in continuous enjoyment, possession and management of the - said Damodar Doss and his descendants, the last male descendant being Brijilal Doss who died intestate in 1871 leaving him - surviving his widow Devaki Bayee, his daughter Jumna Bayee and his step mother Subhadra Bayee; that after her husband's death - Devakee Bayee took out Letters of Administration to her husbands's estate in the Madras High Court in the year 1873 and was in - possession, enjoyment and management of ~~of~~ the plaint villages till her death in 1875 when she left a Will appointing Jumna Bayee and Subhadra Bayee as executrixes; that on the death of

Devaki Bai, Jumna Bai as daughter of Brijilal Doss became the sole owner and manager of the plaint villages under Mayukka law, that Jumna Bai and Subhadra Bai also took out Probate of the Will of Devaki Bai in 1875 and were in possession enjoyment and management of the plaint villages till 1888 when JumnaBai died leaving a Will by which she appointed Subhadra Bai as sole executrix; that Subhadra Bai obtained probate of the Will in 1894 and was in possession, enjoyment and management of the said villages till her death in 1894, when she left a Will - appointing Plaintiff and her sister Mahalaxmi Bai as executor and executrix and also bequething to them the plaint villages; that on the death of Subhadra Bai her sister Mahalaxmi Bai --- became the sole owner and manager of the plaint villages under Mayukka Law; that Plaintiff and Mahalaxmi Bai obtained Probate of the Will of Subhadra Bai in 1894 and were in possession and management of the plaint villages till April 1898, when the management and possession of the said villages were wrongfully taken by the defendants, the Officers of the Mysore Government, that in 1904 Mahalaxmi Bai died leaving a Will appointing - Plaintiff as Executor and bequething to him her rights of owner- ship and management; that Plaintiff obtained Probate of the Will of Mahalaxmi Bai and is therefore entitled to the possess- ion and management of the villages in question; that on 17th December 1897 by their Proceedings No.720-1-Muz F 74-93, the - Mysore Government in the Muzrai Department through the 1st Defendant directed the Deputy Commissioner Tumkur, the 2nd Defendant to proceed to assume the management of the said 4 villages in the Muzrai Department and administer the same; - that the Deputy Commissioner on behalf of the Mysore Government in April 1898, took possession of the suit villages and has been managing the same; that the proceedings were passed without notice to Plaintiff, or to the representatives of Brijila Doss; that assumption of the management and possession of the said villages by the officers of the Mysore Government is illegal as the Royal Grant distinctly states that the grant was from genera- tion to generation as Sarva Inam with all rights of ownership as the grant was not for any limited purpose or period as no

no rights of resumption were reserved in the same and as no notice was given to Plaintiff or to the representative of --- Brijilal Doss before the order of assumption of management and possession was made; that plaintiff became aware of such assumption on or about December 1901 and submitted petitions along with his coexecutrix who is since dead, to the Deputy Commissioner Tumkur and Dewan of Mysore without success; that the - Defendants have no manner of right or title to assume the -- management and possession of the said villages and that the cause of action arose in April 1898 when the assumption took place and in 1901 when the plaintiff became aware of such - assumption.

3. The Defendants denied the truth of the allegations as to Plaintiff's title and the validity, binding nature and admissibility in evidence of the several letters of Administration, Wills and probates referred to in the plaint, and pleaded that the alleged Will of Jumna Bayee in particular seemed to be a spurious document; that the allegation that plaintiff was not aware of the resumption of the suit villages by Government till 1901 did not seem to be true; that the said Damodar Doss and his nephew Brijilal Doss never enjoyed the four villages in suit, as their own private property; that the defendants learnt that Damodar Doss and Brijilal Dass dedicated - the said villages for public religious and charitable purposes (certain temples and Chatram) as laid down in the Sunnad --- granted by the then Sovereign; that the said Damodar Doss and his heirs or descendants had no right to the said property - which they could convey by sale, gift, or bequest; that plaintiff's present claim under such title for absolute ownership of the villages and for possession was barred by the Law of -- Limitation; that the Inam Commissioner examined the Sunnad granted in respect of 6 villages, including the four in suit, and in 1870-71 made a settlement to the effect that 4 villages

should be treated as Devadaya or Religious ~~or~~ and Charitable --- grants for the purposes of worship and feeding in certain --- temples and chattram and for the up-keep of the said buildings and that the Inam in respect of the said 4 villages should be continued so long as the conditions of the settlement were - carried out; that the other two villages should be treated as personal Inams, that the Inam settlement was binding on the Inamdar's heir's and representatives and that the Civil Courts had no jurisdiction to question the same; that as the terms of the Inam settlement were not adhered to, the Government of -- Mysore by their order of 17th December 1897, referred to in the plaint, resumed the said Inam and directed that the income of the villages might be realised and used for the said purposes by their own offices, that the only redy, if any. the plaintiff had in this respect was to petition the Government or Sovereign, that the Civil Courts had no jurisdiction in the matter; that the suit against Government was not maintainable; that the suit as framed against mere officers, apart from the occupants of such offices for the time being whose individual acts might give raise to a cause of action was not maintainable, that there was no cause of action against the present occupants of the office of the Deputy Commissioner of Tumkur District or against any of his predecessors who merely carried out the orders of Government through his subordinate officers **nor** was there a cause of action against the 1st defendant for the same or similar reasons, that the suit for the possession of the villages and past produce without seeking for cancellation of the said order of Government was not maintainable that the claim was time barred under article 14 of schedule II of Limitation Regulation; that the Inam was not enfranchised no alienation of the same by sale, gift or devise was valid: that the plaintiff had not obtained any title to the property as the various testators through whom he claimed had not any

devisable interest or power in respect thereof; that the --- mesne profits claimed by Plaintiff was excessive, that the -- claim for more than three years mesne profits was time barred; that the Government collected the rents of the villages and - utilised the same for the purposes of the temples and chattrams that a statement showing the receipts and disbursements and cash in hand would be submitted in case the Court decided that an account should be taken of the same; that the plaintiff was not entitled to any of the reliefs claimed in the plaint; and that his suit might be dismissed with costs.

4. In reply to Defendant's pleas the Plaintiff stated in his rejoinder that his claim was not barred as pleaded; that the title of inheritence and of possession was established by the Letters of Administration, the Wills and probates granted thereon; that the Will and probate thereon of Jumna Bayee in particular were binding on the Defendants and on this Court, that the suit villages were not dedicated by Damodar Dass and Brijilal Doss to any public charities not were they granted by the Sunnad for such purposes; that Damodar Dass simply ----- initiated certain peculiar charities on his own motion according to his own Thinasy Thasdik supplementary with his own funds when necessary for carrying out the sectarian religious observances and aniversaries of his own organization independant of public need; that the limited charities in kind including the dwelling intended for the accomodation of the devotees of his institution though usually called Chatram being purely private and sectarian, the Muzrai Department never exercised any control over them since their organization in 1862; that the said -- department had no jurisdiction over such charities and sectarian observances, and had no right from the nature of the - Royal grant and from the Character of the peculiar charities initiated to control or resume possession and management

of such charities from the family of which the Plaintiff was the legal representative; that the Inam Commissioner's treatment of the villages was ultra vires and nugatory and could not bind the plaintiff and his predecessors in title who had actual possesion and management all along; that it was open to the Civil Courts to question the jurisdiction of the Inam Settlement officer in treating the villages in question as he did, that legal construction was not placed on the terms of the Royal grant, and it was beyond the scope of the terms of the said grant to create a new estate against the terms thereof; that the plaintiff or his predecessors in title never contravened the terms of the Inam Settlement even as it stood so as to be dealt with by the Defendants under the order dated 17-12-97 by resumption of the Inam, that the suit as framed against the Defendants, now in office for the wrongful acts of their predecessors in office which resulted in resumption was authorised by C.P.C. that the suit was in conformity with chapter XXVII of the C.P.C. and was maintainable, as sufficient cause of action had been disclosed in the plaint; that the present suit as framed for declaration of plaintiff's right for possession of villages without seeking for cancellation of the order of 17-12-1897 was maintainable; that the devises to the plaintiff and his predecessors in title were valid and unquestionable by the Defendants; that Damodar Dass and his descendants had full rights of sale; gift and bequest under the grant and that Plaintiff had obtained full title having legally obtained devisable interest by successive valid documents; that the Defendants were estopped from questioning the devisable interest or power of the plaintiff or his predecessors in title after taking possession and management from the Plaintiff on the main ground of mismanagement; that they were further estopped by their conduct from questioning the long and successive possessions on the part of the plaintiff and his predecessors in title and calling upon Plaintiff, after dispossessing him, to make out his title in the face of long and successive

possessions in his favour; that the Defendants who plead as successors of their predecessors in office had evidently taken grounds of defence different from those on which resumption was made, viz., that the object of the grant was not satisfactorily fulfilled; that the defendants were not legally justified in taking such other grounds and should be confined to those on which the resumption was made in 1897; that the decision of the Chief Court against the Mysore Government as represented by the Deputy Commissioner of Mysore District as stakeholder in Regular Appeal No.70/08-09 of that Court was valid and binding on all the Government officers including the defendants, that they were estopped from disputing the successive titles of long possession of the plaintiff which was tantamount to indefeasible title except by proof of superior title by way of escheat which was not asserted, that the decision of the Chief Court and also that of the special Court in parts was conclusive and binding on the defendants; that should the Court hold that the institutions in question were of public natureand - that they were dedicated objects of Public charity and should be brought under the control and superintendence of Muzrai - Department, Plaintiff's right to recover back the possession and management of the villages may be declared and possession and management restored according to the plaint, and that should the Court hold that the charities according to the Thinasy -- Thasdik patties of the founder could be best be carried out in the Muzrai Department the Plaintiff was prepared to agree to such arrangement subject to Plaintiff's rights of absolute possession and management under the Royal Grant.

5. The Defendants filed the following statement in reply to plaintiff's rejoinder.

(1) The Charitable and religious institutions of Chatram and temples at Bandehally and Malur were the donees in -- possesion of the suit villages. The late Brijilal Dass, his widow Devaki Bai and his daughter Jumna Bai were simply -----

managers on behalf of the said Institutions. The properties in suit have been in the adverse possession of these ------- Institutions for more than the statutory period of 12 years. The plaintiff's claim for declaration of his absolute ownersh of the suit villages and his claim to possession thereof as his private property on the said title are barred by article 144 of the 2nd schedule of the Limitation Act and the said - Institutions have acquired an indefeasible title to the same.

(2) The claim for mesne profits for more than 3 years before suit is barred by article 109 of the 2nd schedule of t Limitation Act.

(3) The genuineness and validity of the several Wills mentioned in the plaint are not admitted by defendants, and it is doubtful that the suit property was covered by the said Wills.

(4) The several Letters of Administration and Probates obtained in British India are not recognizable in Mysore and cannot be received in evidence of any title at all, with reference to property in Mysore.

(5) If plaintiff or Mahalaxmi Bai, of Subadra Bai, were in possession of the suit property at all (which fact is not admitted) such possession did not change the character of the possession of Brijilal Dass, his widow and daughter which was simply that of a manager and was not adverse to the said charitable and religious institutions. The present possession of Government is on behalf of these Institutions as stated in the Proceedings of Government dated 17-121897 referred to in the plaint.

(6) The plaintiff had not, at the time the Government of Mysore took possession of the property, acquired any title to the same by adverse possession.

(7) The general and indefinite allegations of estoppal and of ~~res judicata~~ resjudicata by reason of the Chief Court decision in A.S. No.70 of 1908-09 which is not produced in in the case and all other allegations of fact or law made

in that "rejoinder" statement which are inconsistent with the written statement already filed by the Defendants are not correct and are not admitted by Defendants.

6. The suit was filed in Sub Court on 30-11-09, and came on for issues on the 10th February 1910, and by adjournments - on 20-9-10 Plaintiff was represented by Mr.Singrachar and the Defendants by Mr. S. Narayana Rao the Government Advocate.

7. The following issues were framed:-

I. Were the villages in question granted to Damodar Doss to be enjoyed by him, and his heirs and assigns absolutely as his own property by the Royal grant dated 8th February 1880? If not, what are the terms of the grant?

II. Are the several Wills referred to in the plaint and alleged to have been executed by Devaki Bai, Jumna Bai, ---- Subadra Bai and Mahalaxmi Bai respectively, genuine & valid?

III. Were these villages in possession and enjoyment of Damodar Doss, Brijila Doss, Devaki Bai, Jumna Bai, Subhadra Bai Mahalaxmi Bai and the Plaintiff successively in their own right till April 1898 as alleged in the plaint as managers and ---- trustees for charitable Institutions as pleaded by the Defendants?

IV. Were these villages dedicated for Charitable and - Religious Insitutions Viz the Chatram and Temples by Damodar Doss and his nephew Brijila Doss, as alleged by the Defendants?

V. Are the Plaintiff and his predecessors in title -- bound by the Inam settlement referred to by the Defendants? If so have any of them done anything to forfeit their claim - to these villages?

VI. Have the Civil Courts jurisdiction to [illegible] question the decision of the Inam Commissioner and adjudicate on the nature and conditions of the Royal --- grant of these villages?

VII. Has the Court jurisdiction to adjudicate on the ---

correctness or otherwise of the order of the Government of His Highness the Maharaja of Mysore resuming the villages for -- breach of the conditions of the Inam Settlement? If so, was that resumption justifiable on legal grounds.

VIII. Is the suit for the possession of the villages maintainable without a prayer for the cancellation of the said -- order of Government to resume these villages, and is the claim barred by article 14 Schedule II of the Limitation Regulation?

IX. Is the suit as framed against the mere offices as th Defendants as distinguished from the occupants thereof for the time being, maintainable?

X. Is the claim for mesne profits for any period exceeding 3 years immediately Before the suit, barred by the - Law of Limitation?

XI. What is the mesne profit for which the Plaintiff is entitled?

XII. Do the decisions of the Chief Court in R.A.No.70 of 1903-09 and of the special Court referred to by the Plaintiff, operate as resjudicata in respect of the contentions of the Defendants.

XIII. Are the Defendants estopped by their conduct from advancing any of their present pleas as pleaded by the Plaintiff?

XIV. Were these villages bequethed by Devaki Bai, Jamna Bai, Subhadra Bai and Mahalaxmi Bai respectively under any of the Wills referred to in the plaint?

XV. Is the plaintiff entitled to all or any of the -- reliefs claimed in the plaint?

XVI. Are the several Letters of Administration and ----- Probates referred to in the plaint, valid and binding on the defendants, and are they legally admissable in evidence in - respect of title to the suit property in the Territories of - Mysore?

8. The suit came on for final hearing on 2-2-1911and by ad-

adjournments on 2-9-11. The parties were represented as --- before.

9. Subsequently the suit was transferred to this Court on 30-10-11 and came on for hearing on 24-2-12 and 16-3-12. --- Plaintiff was represented by Messrs Venkataramasastry and --- Singrachar and the Defendants by Mr. Dorasami Iyer the Government Advocate.

10. The Plaintiff examined no witnesses but filed the following exhibits:-

A " 8-2-1830. Grant or Sunnad granted by H.H. the late Krishnarajendra Wadayar Bahadur to Damodar Doss Sait.

B From 1-8-1856. Thasteek Book maintained by Damodar Doss Sait.

C 24-3-1865. Probate obtained by Vrijilal Doss with copy of Domodar Saits Will annexed in the High Court of - Madras.

D. 5-2-1873. Letters of Administration granted to Devaki - Bai in the High Court of Madras.

E. 30-5-1872. Power of attorney executed by Devaki Bai in - favour of Kasi Rao.

F. 30-10-1875. Copy of application for probate of Subhadra Bai and Jumna Bai to Devakee Bai's Will presented in the High Court Madras.

G. 22-12-1875. Probate granted to Subhadra Bai and Jumna Bai.

H. 18-5-1876. Power of attorney executed to Subhadra Bai and Jumaa Bai in favour of Gokal Dass Goverdhan Doss.

I. 10-12-1894. Copy of probate granted to Plaintiff and Mahalaxmi Bai.

J. 19-1-1894. Probate granted to Subhadra Bai as per Jumna Bai's Will.

K. 28-11-1892. Power of attorney executed by Subhadra Bai in favour of Plaintiff.

L. 10-12-1894. Original Probate granted to Plaintiff and Mahalaxmi Bai as per Subhadra Bai's Will.

M. 8-2-1895. Power of attorney executed by Mahalaxmi Bai in favour of Plaintiff.

N. 25-4-1895. Probate of the Will of Mahalaxmi Bai granted to Plaintiff.

11. The Defendants examined no witnesses but filed the following exhibits:-

No.I. Copy of Inam statement for Lakkasettipurs ---- presented by Kasi Rao agent of Brijila Dass.

No.II. Copy of Inam Statement for Bolenahally presented by Kasi Rao.

No.III. Copy of Inam statement for Bhudahally presented by Kasi Rao.

No.IV. Copy of Inam Statement for Chickamathkur ---- presented by Kasi Rao.

No.V. Copy of Inam Register for Lakkasettipura.

No.VI. Copy of Inam register for Bolenahally.

No.VII. Copy of Inam Register for Bandahally.

No.VIII. Copy of Inam Register for Chickamathur.

No. IX. 7-3-1876. Power of attorney executed by Brijilal Doss Girider Doss in favour of Kasi Rao.

The villages which are the subject matter of this suit were admittedly settled by the Inam Commissioner under the Inam Settlement Rules of 1863 which have the force of law in Mysore. Under section 21 of those Rules the validity of the Inam Commissioner's settlement may not be questioned by any judicial Court in the Province. The Inam Commissioner was constituted a special Court for the administration of a special law to the exclusion of the ordinary Civil Courts and an appeal against his decision to the Commissioner of Mysore was provided by section 22 of the Inam Rules. Brijilaldas in whose favour the settlement was made and his heiress and daughter Jumnabai under whom Plaintiff claims, admittedly acquiesced in the Inam Commissioner's settlement and did not appeal to the Commissioner of Mysore. The suit villages were brought under the category of section 4 clause A of the Rules and the villages were confirmed to the trustees without enfranchisement, conditionally upon the continued performance of the religious and charitable services for which the endowments were made. Sections 21 and 22 have not been abrogated or modified by any Law or Rule having the force of law and in these circumstances the prayer in the plaint that this Court do declare the plaintiff to be the absolute owner and manager of the said villages and that defendants have no right to assume possession of the said villages under the original grant of 1830 may not be considered by this Court, as this Court has no jurisdiction to question the validity of the settlement effected by the Inam Commissioner under Rules having the force of law. On this ground alone the plaint as originally filed is liable to be dismissed with costs, on issue 6 framed by the Sub-Judge. The learned Advocate for the Plaintiff argued that even if it be held that the Inam Commissioner's settlement is binding on the Plaintiff, the Court is entitled to question the validity of the resumption of the villages by the Government in the Muzrai Department on the ground (which

he is prepared to traverse) that the services, religious and -- charitable, for which the villages were assigned were neglected or ceased to be performed. Such a contention has not been put forward either in the plaint or in the supplemental statement submitted by the Plaintiff in answer to the written statement. Reading together paras 13 and 14 of the supplemental statement, it is clear that Plaintiff insists on his absolute right to possession "according to the plaint" and "under the Royal Grant" and I hold that there is no alternative prayer to the effect that admitting the validity of the Inam Settlement, the Plaintiff was entitled to continue to manage the villages as the conditions attached to the confirmation of the grant had been duly fulfilled by him. If such an alternative prayer can be read into para 13 of the supplemental statement I hold that the last sub-clause of clause (a) section 221 of the Land Revenue Code is a bar to this suit. The first sub-clause of clause (a) deals with property pertaining to the office of any heriditary officer or of any other village officer or servant, the two succeeding sub-clauses deal with claims to perform the duties of the officers and servants referred to in sub-clause 1 and the last sub-clause excludes from the jurisdiction of Civil Courts "claims against Government relating to lands declared by Government or any officer duly authorised in that behalf to be held for any service whatsoever". The villages in suit were declared by the Inam Commissioner to be held under Rule 4 clause (a) "for the support of religious and --- charitable institutions and for the maintenance of persons therein rendering service". I am of opinion that as these villages were confirmed at the Inam settlement for the maintenance of temple services, chattram charities, and of the servants -- employed in the performance of these services, this Court has no jurisdiction to entertain this suit relating to them. --

These

These findings on issues 5 and 6 render it unnecessary to consider the other issues and I dismiss the suit with costs

(Sd). T. Paramasiva Iyer.

Pronounced in open Court.

18-3-12. (Initialled). T.P.

Compared

No 248

Office of the Government Advocate in Mysore,

Bangalore dated, 17th June 1912.

DIARY No 2049

From,

C. S. Doraswamy Iyer Esq., B.A., B.L.,
Government Advocate in Mysore, Bangalore.

19 11-19 12
FILE No. 197-09
SERIAL No. 31

To,

The Offg: Secretary to the Government of His Highness the Maharaja of Mysore General and Revenue Depts:

Sir,

Adverting to correspondence ending with this office No.233 dated 22-5-1912 forwarding copy of judgment in O.S. No.12 of 1911-12 on the file of the District Court, Bangalore, (Venkata Rao VS Deputy Commissioner Tumkur, and Muzrai Superintendant in Mysore), I have the honour to submit --- herewith a bill for Rs.736-13-9 duly countersigned by the District Judge, Bangalore Division, being my fees for conducting the said suit on behalf of the Defendants and request that sanction of Government may kindly be obtained for the encashment of the bill.

I have the honour to be,

Sir,

Your most obedient servant,

C. S. Doraswamy Iyer

Government Advocate.

Dft. as per orders 100

2049/2/16

G.R.S. 26]

File No. 171-9 2

Serial No. 32

Diary No. of letter replied to

No. 3135

General and Revenue Secretariat

( )

, the 19 .

To

The Govt Advocate
in mysore,

Date of issue 29 6 912

Signed by B Ramaswamaiya.

Sir,

Adverting to correspondence
ending with your letter no
248 Dy 14th June 1912 forward-
-ing a copy of judgment
with a bill re the suit
filed by Venkata Rao
for the recovery of possess-
ion and management
of the villages endowed to
Damodar Dass Saits' charities

over.

SUBJECT.

directed to request that a copy of the decree in the case may kindly be obtained and transmitted

I have the
DH 26/6/12
Hon Sec- Secretary
25.6.12.

List of enclosures,

Copied by 26/6
Examined by

GPB—20,000—25-9 10

No. 6.

From

Office of the Government Advocate in Mysore,

Bangalore dated, 5th July 1912.

C. S. Doraswamy Iyer Esq., B.A., B.L.,

Government Advocate in Mysore, Bangalore.

DIARY No. 52

To 10/12/13

SECTION Mun. Secretary

FILE No. 171-09

SERIAL No. 33

To the Secretary to the Government of H.H. the Maharaja of Mysore General and Revenue Departments.

Sir,

With reference to your letter No.2135/Muz.F.171-09 dated 29th June 1912, requesting that a copy of the decree passed in O.S.No.12 of 11-12 on the file of the District Court, Bangalore, may be obtained and transmitted, I have the honour to enclose herewith a certified copy of the --- decree in the said suit, obtained for being forwarded to the Deputy Commissioner Tumkur District for purposes of execution proceedings.

2. There appears to be some clerical mistake in preparation of the decree having omitted to include therein ---- certain items of expenditure incurred by me on behalf of the Defendants. I therefore request that the enclosed ---

copy

copy may kindly be returned as early as practicable for being amended.

I have the honour to be,

Sir,

Your most obedient servant,

Government Advocate.

164

G.R.S. 26] 117

File No. 171-09

Serial No. 34

Diary No. of letter replied to 52

No. 63

General and Revenue Secretariat

( )

the 19

To

The Govt Advocate

in mysore,

Date of issue 20th July 1912

Signed by R Ramaswamaiyar

Sir,

As requested in your letter no. 6 dy 5th July 1912

I am directed to return herewith ~~for rectification of the clerical mistake~~, the copy of the decree passed in O S no 12 of 1911-12 on the file of the Dist Court, Bangalore, ~~which was received under cover of your letter no 6 dy 5-7-1912~~

And to request that the same may be submitted, early duly certified.

I have etc

DA) BV 16

(BR for Hy Secretary

16/7/12

over.

SUBJECT.

List of enclosures,

Copied by

Examined by

GPB—20,000—25·9·10

No. 97

Office of the Government Advocate in Mysore,

Bangalore dated, 4th October 1912.

DIARY No. 631

From,

C. S. Doraswamy Iyer Esq., B.A., B.L.,
Government Advocate in Mysore, Bangalore.

12/13 Muz 171-09 35-1

To,

The Secretary to the Government of H.H. the Maharaja of Mysore, General and Revenue Departments.

Sir,

Adverting to correspondence ending with your letter No.63/Muz 171-09-34 dated 20th July 1912 returning for --- rectification copy of decree passed in O.S. No.12 of 11-12 on the file of the District Court, Bangalore, with a ---- request that the same may be submitted duly rectified, I have the honour to submit herewith the copy of the decree duly rectified and ~~altered~~ attested.

I have the honour to be,

Sir,

Your most obedient servant,

Doraswamy Iyer

Government Advocate.

G.R.S. 28]

File No. 171/09
Serial No. 36

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 19

Date of issue 14-11-1912

Signed by Rao B Ramaswamaya

READ—

Govt Pro no 2202-5/ Munz-7- 171-09-12 Dy 3d March 1910 requesting ~~directing~~ the Govt Advocate in Mysore to appear on behalf of the Dy Commr, Kadur Dist and the Munz Supdt in Mysore in the suit filed by M. Venkata Rao for the recovery of the possession and management of the

ORDER THEREON.—No.

over.

SUBJECT.

Villages endowed to Damodar Doss Saits charities in the Kunigal Taluk.

Correspondence ending with letter no 437 Dy 23rd March 1912 from the Dy Commr, Tumkur District, intimating that the above suit was dismissed with costs.

Correspondence ending with Letter no 97 Dy 4th Octr 1912 from the Govt Advocate in Mysore forwarding Copy of Judgt and decree in the suit as well as a bill for Rs 736-13-9 being his fees for Conducting the said suit.

Order thereon No 569-72 Dy 14-11-1912
Mus 171-09-86

Recorded.

y the bill for Rs 736-13-9 being the Govt Advs fees is sanctioned and

G.R.S 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form)

and forwarded to the Comptr for audit, the charge being met from the funds of the charities.

Dft 17/10/12

Sm o/Hy, Secretary.

18/10/12

6/11/12

To,

The Dy. Commr, Tumkur Dist

" Mun Supdt in Mysore

" Govt Advt in Mysore

" Comptr & Govt in the

G.R.S. 26]

File No. 171/09

Serial No. 37

Diary No. of letter replied to

No. 626

General and Revenue Secretariat

( )

he *19*

To

The Govt Advocate.

in triplicate,

Date of issue 25-11-1912

Signed by Mr K Ramaswamaya

Sir,

Adverting to Govt Ro. No 569-72 dy 14th November 12 mng 171-09-36 sanctioning a bill for Rs 736-13-9 being the Govt Advocate's fees in connection with the suit filed by M. Narasaraja Rao for the recovery of the possession and management of the villages endowed to Dandu Devi Sita charities in the

over.

SUBJECT.

Kunigal Tq. I am directed to enquire whether security for costs has been taken in this case and to request that if the amount due necessary steps may be taken to recover from the deft without delay

I have &c

C/s order

16/11/12

for 22.11.12

for offg Secretary

List of enclosures,

Copied by

Examined by

GPB—10,000—28 2 11.

No. 143

Office of the Government Advocate in Mysore,

Bangalore dated, 27th November 1912.

DIARY No. 876

19/719 13
ION Muz
No. 141-09
GAL No. 38

From,

C. S. Doraswamy Iyer Esq., B.A., B.L.,

Government Advocate in Mysore, Bangalore.

To,

The Secretary to the Government of H. H. the Maharaja of Mysore General and Revenue Departments.

Sir,

With reference to your letter No.626/Muz.F.171-09-37 dated 25th November 1912, enquiring whether security for costs has been obtained from the Plaintiff in the case filed by one M. Venkata Rao for the recovery of the possession and management of the Inam villages in Kunigal Taluk endowed to Domodor Doss Sait's Charities, and requesting to take action for the recovery of the amount due from the Plaintiff M.Venkata Rao, I have the honour to state that the application for security for costs from the Plaintiff, appears to have not been pressed by my predecessor in office as the Plaintiff was reported by the Amildar of Sreerangapatam Taluk to possess sufficient landed property in Sreerangapatam Taluk. At that time the Plaintiff was alleged to own the following property:-

1.Stable land in the town of Sreerangapatam.

2.House and compound in -------- do -------.

3.Wet lands under Cauvery Channel in the villages of Kudlikuppe, Dursakuppe in Sreerangapatam Taluk and Kirangoor near French-Rocks measuring in all about 20 acres and subject to a mortgage of Rs.7000/- to Mr. Raghavachar, Advocate Mysore.

2. As regards the steps to be taken to recover from Mr. Venkat Rao, the amount of costs awarded by the Lower Court

Court, I beg to suggest that the copy of the decree sent with this office letter No.97 dated 4th October 1912, may be forwarded to the Muzrai Superintendant in Mysore (the 1st Defendant in the suit), with a request that the Public Prosecutor, Bangalore Division, may be instructed to ----- institute execution proceedings against M.Venkata Rao -- after ascertaining from the Amildar of Sreerangapatam Taluk the necessary details of the property owned by the Plaintiff against which execution should be taken.

I have the honour to be,

Sir,

Your most obedient servant,

Government Advocate.

G.R.S. 26]

File No. 141/09

Serial No. 39

Diary No. of letter replied to

No. 739 Ex-1.

General and Revenue Secretariat

( )

, *the* 19 .

To

The Mutz Supdt.

in Mysore,

Date of issue 6-12-1912

Signed by Hon'ble Ramaswamaiya

Sir,

Adverting to Govt Pro no. 569-72/Mutz 171-09. 36 Dy 14th Novr 1912 recording the Govt Advocate's letter forwa copy of judgt and decree in the suit filed by Sr Venkata for the recovery of the possess and management of the villages endowed to Dawode Dozs Sahb charities in the

over.

SUBJECT.

Kunigal Tq, I am directed
to forward herewith Copy
of decree received with Govt
Adv.'s letter No 97 dy 4-10-1912
and to
~~in the~~ request that the Public
Prosecutor, Bangalore Divn,
may
be instructed to institute
execution proceedings against
Venkata Rao after ascertaining
from the Amildar of S. Patan
Tq, the necessary details
of the property owned by the
plaintiff against which execution
should be taken
A copy of the Govt. Adv.'s letter No 143 dy 27.11.12
I have etc. addressed to Govt in the
matter of recovery of the
Costs in the case is for
also forwarded for inform
List of enclosures,

DFT)
RLDr Dy. Secretary
2/12/12
2.12.12

Copied by
Examined by

GPB—20,000—25-9 10

Sl 21. From the Sub Judge Bangalore. No A. 4282 Dt 11-1-1911.
Forwards Plaintiff's witness Summons in O.S. No
28 of 1909-10. for appearing in Court on 2-2-1911
with certain documents.

Sl 22. To the Same .. No 1888 Dt 1-2-1911.
States that some documents requisitioned
for by the Court cannot be conveniently removed
from the files and adds that as Copies of
the documents appear to serve the purposes
of this Case, the Same will, if the party applies
be granted.

Sl 23 From the Dy Comr, Tumkur Dt. No 274 Dt 21 st-1911.
Submits Copy of Docket to the Govt Advocate
requesting that an adjournment of at least
3 months be applied for and States that it
takes time to trace out some documents
in the Case and adds that the Mus: Dept
which figures as the 1st Defendant may ask
the Govt Advocate to move for an adjourn-
ment to the latter part of April or beginning of May.

Sl 24. From the Same .. No 329 Dt 1-3-1911.
Requests Sanction to a Sum of Rs 30/- already
advanced to Government Advocate and also
to a Sum of Rs 20/- to meet the expenses of the
Suit relating to Damodar Does Saint's Charities.

Sl 25 To the Dy Comr, Tumkur Dt, Comptroller & Government
Advocate No 2437-9 dated 24th March 1911.
Sanctions the advance applied for amount-
ing to Rs 50/-

Sl 26 From the Dy Comr, Tumkur Dt. No 353 Dt 20-2-1912.
Forwards Copy of letter addressed to the
Government Advocate in the Suit filed by

of main villages endowed to the Charities

Sl 27. To the Dy Comr, Tumkur Dt. & Government Advocate
No 2181-2 Dated 13th March 1912
Records the above letter and directs that
the result of the Suit should be intimated
in due Course

Sl 28 From the Government Advocate No 188 Dated 5 1912
Reports that the Said Suit was dismissed
with Costs and promises to Submit Copy
of Judgment in due Course.

Sl 29 From the Dy Comr Tumkur Dt No 437 Dt 25-3-1912
Reports that the Government Advocate
intimated in his Docket No - Dt 20-3-1912
that the Suit in question was dismissed
with Costs.

Sl 30 From the Government Advocate No 233 Dt 22-5-1912.
Forwards Copy of Judgment in the Suit.

Sl 31 From the Same ——— No 248 Dt 17-6-1912
Submits a bill for Rs 736-13-9 duly
Countersigned by the District Judge,
Bangalore Division, being his fees
for Conducting the Said Suit on behalf
of the Defendants.

Sl 32. To the Same ——— No 3135 Dt 29-6-1912.
Requests him to forward a Copy of the
Decree in the Case.

Sl 33 From the Same ——— No 6 Dt 5-7-1912.
Submits a Copy of the Decree.

Sl 34 To the Same ——— No 63 Dt 20-7-1912.
Returns the Copy of the Decree and
requests the early Submission of the Same
duly rectified.

Sl 35 From the Government Advocate No 97 Dt 4-10-1912.
Submits Copy of the Decree duly rectified and attested

Sl 36 To the Dy Comr, Tumkur Dist, Mysore Superintt, Government Advocate & Comptroller &
Government No 569-72 Dt 14-11-1912.
Records the above Sud Sanctions the bill for Rs 736-13-9 and forwards it to the Comptroller for audit, the charge being met from the funds of the Charities

Sl 37 To the Government Advocate No 6 "L" 95 11 1912
Enquires whether security for costs has been taken in the case and requests that necessary steps may be taken to recover the amount due from the Defendant.

Sl 38 From the Same No 143 in L & J 97 1-1912
Suggests that the Copy of the Decree may be sent to the Mysore Superintt with a request that the Public Prosecutor may be instructed to institute execution proceedings against M Venkata Rao after ascertaining the details of the landed property in Sivaganga Taluk.

Sl 39 To the Mysore Superintt No 737 Dt 6-12-1912
Forwards Copy of Decree and also a Copy of Government Advocate's letter and requests that Public Prosecutor Bangalore Division may be instructed to institute Execution proceedings against Venkata Rao.

H A Gastin
Recorder